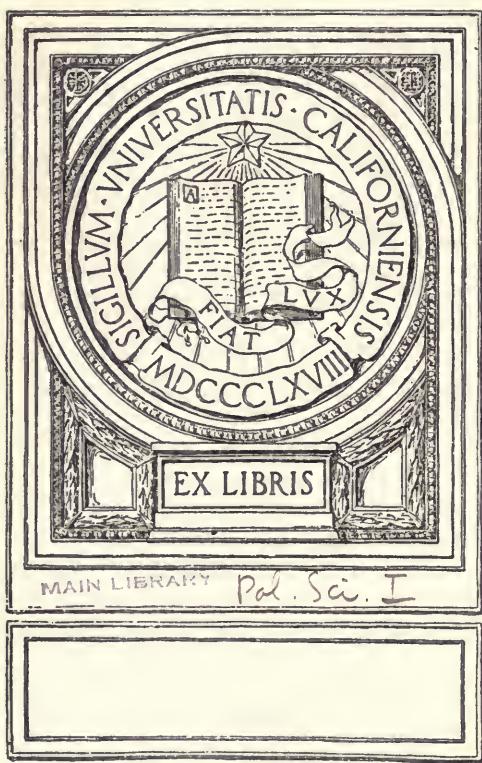
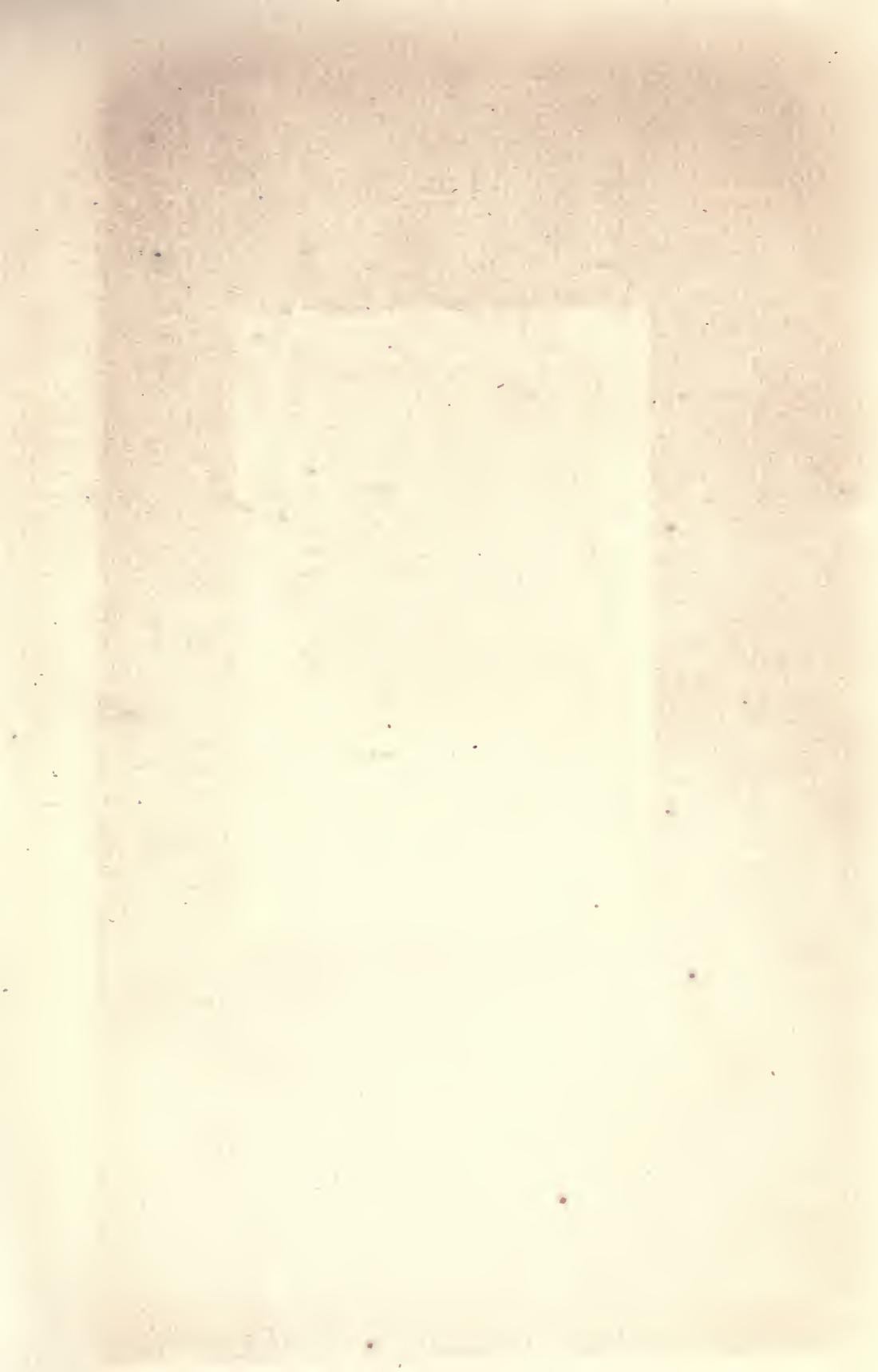


DOCUMENTS ON THE
LEAGUE OF NATIONS

INTERNATIONAL INTERMEDIARY INSTITUTE THE HAGUE





International Intermediary Institute, The Hague

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Documents

on the

League of Nations

COMPILED BY

Mrs. C. A. KLUYVER

WITH A PREFACE BY

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A. W. SIJTHOFF'S UITGEVERSMAATSCHAPPIJ
LEIDEN (NETHERLANDS)—1920

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P R E F A C E.

Since neither the Paris Peace Conference nor the Secretariat of the League of Nations published an official collection of documents on the birth of the League, the International Intermediary Institute at The Hague thought it desirable unofficially to do this. A private edition has at least the advantage of being able to add some material from private sources, and to proceed by the method of selection in case the material is too abundant (parliamentary debates) or not sufficiently important.

Our collection which intentionally refrains from treating Part XIII (Labour) of the Peace Treaty of Versailles has been entrusted to the skilful and experienced pen of Mrs. C. A. KLUYVER. The documents collected end with those of March 10th, 1920, being the date before which the States invited to accede to the Covenant had to declare their intentions. Documents which have not been printed in full, but are only indicated or printed in extracts, may be had at the Bureau of the International Intermediary Institute (at The Hague, 6, Oranjestraat).

For practical reasons it was necessary to keep silent upon what might be called the prehistoric stage of the League of Nations, viz. the growth and gradual development during the war of the idea of such a League. Too many decisions and appreciations of a purely personal and immature character would have offered themselves, therefore it seemed unadvisable to add a preliminary chapter on those topics.

However indispensable a collection of documents on the League

of Nations may be, in one important respect it will disappoint the reader. He will not find the light he wants upon the numerous uncertainties and ambiguities proffered by the twenty six articles of the Covenant; articles which in the first draft were indicated by Roman ciphers, but which had to be provided with Arabic numbers since the Covenant formed the beginning of a treaty the number of articles of which amounted to four hundred and forty. Some of these uncertainties follow here, but the list does not by any means pretend to be exhaustive; moreover, the application of the Covenant will no doubt reveal new and unexpected difficulties.

Preamble. "Universal peace", not named here as the predominating aim of the League, is called so in the Preamble of Part XIII, reading "Whereas the League of Nations has for its object the establishment of universal peace". Nor does the Preamble speak of the "enforcement by common action of international obligations" which seems to be regarded as a keystone of the Covenant in article 8 par. 1 and in article 16. The "firm establishment of the understandings of international law as the actual rule of conduct among Governments" referred to in the Preamble is to be found in the second Root amendment (p. 206), but not in the articles of the existing Covenant.

Article 1. Par. 2. A State desiring admission has to give guarantees and to accept regulations as to military, naval and air forces; is the decision with the Assembly, with the Council or with the Permanent Court (p. 275, foot-note)? — Par. 3. A Member desiring to withdraw must have fulfilled all its international obligations, even if they have no reference to the League; is the decision with the Assembly, with the Council, with the resigning Member itself, or with the Permanent Court?

Article 3. Par. 2. It would seem that the Assembly is its own master, not limited in its action by any program drawn up by the Council. — Par. 3. There is no such demarcation between the Assembly and the Council as this: Assembly legislative, Council executive; is any other method of demarcation in view? — Par. 4. Are legislative rules of the Assembly binding on the Members of the League

without any parliamentary approbation and national ratification (in contradistinction to the amendments of the Covenant provided by article 26 and to the conventions of Part XIII), or must they follow the ordinary ways of national approbation and ratification, there being nothing said to the contrary? And how with executive decisions of the Assembly and their binding force? The questions are of vital importance.

Article 4. Par. 1. If one of the Members Belgium, Brazil, Spain or Greece is not willing to give up its place in the Council, how can it be compelled to do so, since the Assembly can only decide and since it decides with unanimity? — Par. 4. It has been said already that there is no such demarcation between the Assembly and the Council as to exclude the latter from the legislative domain; are its decisions binding only upon the Members represented on the Council, or do they bind all the Members of the League, and, in both cases: do the legislative decisions of the Council require national approbation and ratification, and what is the binding force of the executive decisions of the Council? Is the Council authorized to take, in the League's name and in a binding way, "any action that may be deemed wise and effectual to safeguard the peace of nations" (article 11)?

Article 5. Par. 1. The requirement of unanimity is especially strange in case of the application of article 16, either to a Member represented on the Council and resorting to war in disregard of articles 12, 13 and 15, or to a Member requested to afford passage through its territory to international forces and represented by virtue of article 4 par. 5. If the election of members of international committees etc. is entrusted to the Assembly, is it allowable to prescribe for a decision of this kind a majority vote?

Article 6. No budget of the League is named here, though it is mentioned in article 424 of the Peace Treaty with Germany.

Article 8. Par. 1. Does the "enforcement by common action of international obligations" allow a Member to entirely disarm? Will there be maximum and minimum limits, or maximum limits only? — Par. 4. Will all the plans relating to reduction of armaments

be submitted as one entity to the governments, or has each government only to do with its own armed forces ? If the limits after having been adopted are exceeded without the concurrence of the Council, what is the sanction : expulsion (article 16 par. 4) or compulsion ? And with whom is the decision as to whether they have been exceeded : with the Council, or with the Permanent Court ?

Article 10. Does this article, now that the terms of the American proposal (p. 65) have been rejected, still contain the same thing as if they had been adopted, and therefore provide for international changes of territory, — or does it give any Member of the League a veto on any territorial change ? Is it applicable also in case of a war allowed by articles 12 and 13, with the effect that even in such a lawful war intrusion of territory is prohibited ? Ought it not to have been placed at the end of articles 12—16 ? Does it constitute a binding obligation of the same character as article 16, or only a moral obligation ? Is the decision with the League, or have the Members to decide upon their own conduct ?

Article 11. Par. 1. Is the League authorized by this paragraph to take compulsory action, e. g. a blockade, apart from the case of article 13 par. 4 or from that of article 16 ? Is the Council authorized to take this action ?

Article 12. Par. 1. Evidently “arbitration” in articles 12, 13 and 15 has the wide meaning including both international arbitration and international justice. — Par. 2. If the award is not made within a reasonable time, or if the report is not produced within six months, what becomes of the period of three months of par. 1 ?

Article 13. Par. 1. Does this paragraph and the following take the place of general arbitration treaties between all the Members of the League, or do they form only bases for explicit treaties, the paragraphs having no binding force in themselves ? — Par. 2. Does the word “generally” which includes a reservation as to national honour etc., prevent the Members making treaties between themselves in which this reservation is dropped ?

Article 14. Does the article have in view a legislative decision of the Assembly, or an international treaty in the traditional form ?

Are the provisions of article 13 par. 1 and 2 binding on the plans for a Permanent Court of International Justice, or may these plans go much farther? Does the word "parties" in the second sentence refer to all parties in an international dispute, whether they are Members of the League or not (article 17)? Are nations which are not Members allowed to concur in establishing or at least in addressing the Permanent Court?

Articles 15. Par. 1. According to the British Commentary (p. 106), Members of the League seem to be free to make treaties among themselves instituting Bryan committees for conciliation instead of entrusting their political disputes to the Council; how far are they allowed to go in excluding the Council?

Article 16. Par. 1. As to the authority that gives the very important decision as to whether articles 12, 13 and 15 have been disregarded, the Covenant is silent; it might be the Assembly (including the accused Member), or the Council (which may also include the accused Member), or the States themselves ("which hereby undertake"), or any judicial authority appointed especially for this vital decision. The severance of trade and financial relations will have much greater consequences for one Member than for another; will there be any recovery or settlement? — Par. 3. Which is the authority to decide concerning the passage of troops: is it the Council (including the Member that has to afford passage) or the Member itself?

Article 18. The article does not render clear how this publication of treaties by the Secretariat and their conclusion or ratification succeed each other, nor the succession between this publication of treaties and their coming into force.

Article 20. While par. 1 declares such treaty obligations as are inconsistent with the terms of the Covenant as abrogated, par. 2 states that special steps are necessary in order to procure their abrogation. Both provisions cannot be of effect at the same time. Is the decision about this inconsistency of treaties with the Permanent Court?

Article 26. Par. 1 seems to have the meaning that any amend-

ment to the Covenant needs the unanimous vote of the Assembly, but that ratification of amendments performed by a majority of Members as indicated here makes the amendments binding on all other Members of the League forthwith, without any approbation or ratification on their part, unless they signify their dissent according to par. 2. The words "ratified by" when interpreted as if they meant "adopted and ratified by" would render the adoption of amendments to the Covenant easier than the adoption of decrees applying the provisions of the Covenant. —

The Peace Treaties contain several provisions not agreeing with the provision of article 5 p. 1 of the Covenant (p. 275), and even the separate treaties for military alliance between Great Britain, France and the United States (p. 276) were contrary to this provision. It is of vital importance to know in how far treaties between a few Members of the League are allowed to entrust special matters to the Assembly, the Council or the Secretariat, and to deviate from article 5 par. 1 and other articles of the Covenant.

One of the things required for the real success of the League of Nations is the confidence of its Members in the impartiality of its working and in the reliability of the Covenant itself. For the latter nothing seems to be more necessary than throwing light on its provisions; if there is any doubt, the authorities of the League must do their utmost to remove these uncertainties which, at some time or another, will end in distrust and reproach.

Should our collection of documents be of some use, however slight, in making the real sense of the provisions of the Covenant and of their meaning for future possibilities of the League better known, the book will be entirely justified.

C. VAN VOLLENHOVEN.

Leyden, April 30th, 1920.

CHAPTER I.

THE CREATION OF THE LEAGUE, AT THE PEACE CONFERENCE.

1. FIRST PLENARY SESSION OF JANUARY 18th, 1919.

The Preliminary Peace Conference was opened on January 18th, 1919, in the Clock Room at the Quai d'Orsay, by M. POINCARÉ President of the French Republic.

This first Plenary Session was chiefly occupied by speeches of a general character, and by the nomination of a president.

In the opening speeches by M. POINCARÉ¹⁾ and M. CLEMENCEAU²⁾, the League of Nations was only lightly touched upon.

2. SECOND PLENARY SESSION OF JANUARY 25th, 1919.

The agenda of the second Plenary Session, of January 25th, 1919, called for the formation of five commissions, the first having reference to the League of Nations. Discussion was opened upon this question, and the President of the United States, Mr. WILSON, made the following speech :³⁾

"Mr. CHAIRMAN, I consider it a distinguished privilege to open the discussion in this Conference on the League of Nations. We have assembled

¹⁾ Protocole de la Conférence des Préliminaires de Paix No. 1, p. 4.

²⁾ Protocole No. 1, p. 10.

³⁾ As the Protocol gives this speech only in a French translation, we reproduce the original English text from the "Hearings before the Committee on Foreign Relations United States Senate", 1919, p. 280.

for two purposes: to make the present settlements which have been rendered necessary by this war, and also to secure the Peace of the world, not only by the present settlements, but by the arrangements we shall make ~~in this Conference~~ for its maintenance. The League of Nations seems to me to be necessary for both of these purposes. There are many complicated questions connected with the present settlements, which perhaps cannot be successfully worked out to an ultimate issue by the decisions we shall arrive at here. I can easily conceive that many of these settlements will need subsequent reconsideration, that many of the decisions we shall make will need subsequent alteration in some degree; for, if I may judge by my own study of some of these questions, they are not susceptible of confident judgments at present.

It is, therefore, necessary that we should set up some machinery by which the work of this Conference should be rendered complete. We have assembled here for the purpose of doing very much more than making the present settlement. We are assembled under very peculiar conditions of world opinion. I may say, without straining the point, that we are not representatives of Governments, but representatives of peoples. It will not suffice to satisfy Governmental circles anywhere. It is necessary that we should satisfy the opinion of mankind. The burdens of this war have fallen in an unusual degree upon the whole population of the countries involved. I do not need to draw for you the picture of how the burden has been thrown back from the front upon the older men, upon the women, upon the children, upon the homes of the civilized world, and how the real strain of the war has come where the eye of Government could not reach, but where the heart of humanity beats. We are bidden by these people to make a peace which will make them secure. We are bidden by these people to see to it that this strain does not come upon them again, and I venture to say that it has been possible for them to bear this strain because they hoped that those who represented them could get together after this war and make such another sacrifice unnecessary.

It is a solemn obligation on our part, therefore, to make permanent arrangements that justice shall be rendered and peace maintained. This is the central object of our meeting. Settlements may be temporary, but the actions of the nations in the interest of peace and justice must be permanent. We can set up permanent processes. We may not be able to set up permanent decisions and, therefore, it seems to me that we must take, so far as we can, a picture of the world into our minds. Is it not a startling circumstance, for one thing, that the great discoveries of science, that the quiet study of men in laboratories, that the thoughtful develop-

ments which have taken place in quiet lecture-rooms, have now been turned to the destruction of civilization? The powers of destruction have not so much multiplied as gained facility. The enemy whom we have just overcome had at its seats of learning some of the principal centers of scientific study and discovery, and used them in order to make destruction sudden and complete; and only the watchful, continuous co-operation of men can see to it that science, as well as armed men, is kept within the harness of civilization.

In a sense, the United States is less interested in this subject than the other nations here assembled. With her great territory and her extensive sea borders, it is less likely that the United States should suffer from the attack of enemies than that many of the other nations here should suffer; and the ardor of the United States—for it is a very deep and genuine ardor—for the Society of Nations is not an ardour springing out of fear and apprehension, but an ardour springing out of the ideals which have come to consciousness in the war. In coming into this war the United States never thought for a moment that she was intervening in the politics of Europe, or the politics of Asia, or the politics of any part of the world. Her thought was that all the world had now become conscious that there was a single cause which turned upon the issues of this war. That was the cause of justice and liberty for men of every kind and place. Therefore, the United States would feel that her part in this war had been played in vain if there ensued upon it merely a body of European settlements. She would feel that she could not take part in guaranteeing those European settlements unless that guarantee involved the continuous superintendence of the peace of the world by the Associated Nations of the World.

Therefore, it seems to me that we must concert our best judgment in order to make this League of Nations a vital thing—not merely a formal thing, not an occasional thing, not a thing sometimes called into life to meet an exigency, but always functioning in watchful attendance upon the interests of the nations, and that its continuity should be a vital continuity; that it should have functions that are continuing functions, and that do not permit an intermission of its watchfulness and of its labor; that it should be the eye of the Nation to keep watch upon the common interest, an eye that does not slumber, an eye that is everywhere watchful and attentive.

And if we do not make it vital, what shall we do? We shall disappoint the expectations of the peoples. This is what their thought centers upon. I have had the very delightful experience of visiting several nations since I came to this side of the water, and every time the voice of the body of the people reached me through any representative, at the front

of its plea stood the hope for the League of Nations. Gentlemen, select classes of mankind are no longer the governors of mankind. The fortunes of mankind are now in the hands of the plain peoples of the whole world. Satisfy them, and you have justified their confidence not only, but established peace. Fail to satisfy them, and no arrangement that you can make would either set up or steady the peace of the world.

You can imagine, Gentlemen, I dare say, the sentiments and the purpose with which representatives of the United States support this great project for a League of Nations. We regard it as the keystone of the whole program which expressed our purposes and our ideal in this war and which the Associated Nations have accepted as the basis of the settlement. If we return to the United States without having made every effort in our power to realize this program, we should return to meet the merited scorn of our fellow-citizens. For they are a body that constitutes a great democracy. They expect their leaders to speak their thoughts and no private purpose of their own. They expect their representatives to be their servants. We have no choice but to obey their mandate. But it is with the greatest enthusiasm and pleasure that we accept that mandate; and because this is the keystone of the whole fabric, we have pledged our every purpose to it, as we have to every item of the fabric. We would not dare abate a single part of the program which constitutes our instructions. We would not dare compromise upon any matter as the champion of this thing—this peace of the world, this attitude of justice, this principle that we are masters of no people, but are here to see that every people in the world shall choose its own master and govern its own destinies, not as we wish but as it wishes. We are here to see, in short, that the very foundations of this war are swept away. Those foundations were the private choice of small coteries of civil rulers and military staffs. Those foundations were the aggression of great Powers upon small. Those foundations were the holding together of Empires of unwilling subjects by the duress of arms. Those foundations were the power of small bodies of men to work their will upon mankind and use them as pawns in a game. And nothing less than the emancipation of the world from these things will accomplish peace. You can see that the Representatives of the United States are, therefore, never put to the embarrassment of choosing a way of expediency, because they have laid down for them their unalterable lines of principle. And, thank God, those lines have been accepted as the lines of settlement by all the high-minded men who have had to do with the beginnings of this great business.

I hope, Mr. CHAIRMAN, that when it is known, as I feel confident it will be known, that we have adopted the principle of the League of Nations

and mean to work out that principle in effective action, we shall by that single thing have lifted a great part of the load of anxiety from the hearts of men everywhere. We stand in a peculiar case. As I go about the streets here I see everywhere the American uniform. Those men came into the war after we had uttered our purposes. They came as crusaders, not merely to win a war, but to win a cause; and I am responsible to them, for it fell to me to formulate the purposes for which I asked them to fight, and I, like them, must be a crusader for these things, whatever it costs and whatever it may be necessary to do, in honor, to accomplish the objects for which they fought. I have been glad to find from day to day that there is no question of our standing alone in this matter, for there are champions of this cause upon every hand. I am merely avowing this in order that you may understand why, perhaps, it fell to us, who are disengaged from the politics of this great Continent and of the Orient, to suggest that this was the keystone of the arch, and why it occurred to the generous mind of our President to call upon me to open this debate. It is not because we alone represent this idea, but because it is our privilege to associate ourselves with you in representing it.

I have only tried in what I have said to give you the fountains of the enthusiasm which is within us for this thing, for those fountains spring, it seems to me, from all the ancient wrongs and sympathies of mankind, and the very pulse of the world seems to beat to the surface in this enterprise".

Mr. LLOYD GEORGE (Great Britain), then made the following speech :¹⁾

"I rise to second this resolution²⁾. After the noble speech of the President of the United States I feel that no observations are needed in order to commend this resolution to the Conference, and I should not have intervened at all had it not been that I wished to state how emphatically the people of the British Empire are behind this proposal. And if the National leaders have not been able during the last five years to devote as much time as they would like to its advocacy, it is because their time and their energies have been absorbed in the exigencies of a terrible struggle.

Had I the slightest doubt in my own mind as to the wisdom of this scheme it would have vanished before the irresistible appeal made to me by the spectacle I witnessed last Sunday. I visited a region which but a few years ago was one of the fairest in an exceptionally fair land.

¹⁾ "Hearings before the Committee on Foreign Relations United States Senate", 1919, p. 283.

²⁾ For the text of the resolution see p. 6.

I found it a ruin and a desolation. I drove for hours through a country which did not appear like the habitation of living men and women and children, but like the excavation of a buried province—shattered, torn, rent. I went to one city where I witnessed a scene of devastation that no indemnity can ever repair—one of the beautiful things of the world disfigured and defaced beyond repair. And one of the cruellest features, to my mind, was what I could see had happened: that Frenchmen, who loved their land almost beyond any nation, in order to establish the justice of their cause, had to assist a cruel enemy in demolishing their own homes, and I felt: these are the results, only part of the results. Had I been there months ago I would have witnessed something that I dare not describe. But I saw acres of graves of the fallen. And these were the results of the only method, the only organized method, the only organized method that civilized nations have ever attempted or established to settle disputes amongst each other. And my feeling was: surely it is time, surely it is time that a saner plan for settling disputes between peoples should be established than this organized savagery.

I do not know whether this will succeed. But if we attempt it, the attempt will be a success, and for that reason I second the proposal."

Speeches were afterwards made by: M. ORLANDO (Italy)¹⁾; M. LÉON BOURGEOIS (France)²⁾; M. LOU (China)³⁾; M. DMOWSKI (Poland)⁴⁾.

Nobody else desiring to speak on the resolution concerning the League of Nations, submitted to the Conference by the Bureau, that resolution was passed unanimously. The text of the resolution follows: ⁵⁾

„La Conférence, ayant examiné les propositions relatives à la création d'une Société des Nations, décide que :

a) Il est essentiel, pour le maintien du statut mondial que les nations associées ont maintenant à établir, de créer une Société des Nations, organe de coopération internationale qui assurera l'accomplissement des obligations internationales contractées et fournira des sauvegardes contre la guerre.

b) Cette Société, dont la création ferait partie intégrante du Traité général de paix, devrait être ouverte à toute Nation civilisée à qui on pourrait se fier pour en favoriser les desseins.

¹⁾ Protocole No. 2, p. 7.

²⁾ Protocole No. 2, p. 8.

³⁾ Protocole No. 2, p. 11.

⁴⁾ Protocole No. 2, p. 11.

⁵⁾ Protocole No. 2, p. 23.

c) Les membres de la Société se réuniraient périodiquement en Conférence internationale ; ils auraient une organisation permanente et un Secrétariat pour suivre les affaires de la Société dans l'intervalle des Conférences.

La Conférence nomme en conséquence une Commission représentant les Gouvernements associés pour élaborer, dans le détail, la constitution et les attributions de la Société."

An exchange of ideas then followed on the question of the constitution of the Commissions to be appointed. M. HYMANS (Belgium) protested against the decision of the Great Powers, to adopt, as a general rule, that each of the Great Powers would be represented by two delegates, and that on the whole a representation of five delegates would be accorded to a group of 19 Powers. M. HYMANS insisted i.a. that Belgium should be allowed two delegates in the Commission for the constitution of the League of Nations. M. VENISELOS (Greece) supported the request formulated by the Belgian delegate, without, however, demanding the same treatment for Greece.

The desire for a stronger representation of the Powers with special interests, was supported by M. CALOGERAS (Brazil) ; M. TRUMBITCH (Serbia) ; M. BENES (Czecho-Slovakia) ; M. BRATIANO (Roumania) ; M. LOU (China) ; M. DMOWSKI (Poland). M. CLEMENCEAU replied justifying the Bureau, and M. HYMANS allowed himself the simple observation of requesting the Bureau to take note of the remarks that had been made, to review the composition of the Commission, and to arbitrate.

M. KLOTZ (France) submitted a proposal to the Bureau, to be referred to the Commission on the League of Nations, for a financial section of the League.

3. THE COMMISSION ¹⁾ ON THE LEAGUE OF NATIONS, BETWEEN JANUARY 25th, AND FEBRUARY 14th, 1919.

A meeting of the representatives of Powers with special interests, was held on January 27th, 1919, ²⁾ under the Presidency of M. JULES CAMBON (France), to fix the names of their representatives on the

¹⁾ Mr. MILLER, who attended the meetings of this Commission as legal adviser to President WILSON, said with regard to the name of this body: "We would probably call it a *committee*, but they call it a *commission* over there". ("Hearings before the Committee on Foreign Relations United States Senate", 1919, p. 383).

²⁾ Protocole No. 2, p. 28.

various commissions. M. KRAMAR (Czecho-Slovakia) proposed that the Commission on the League of Nations should be composed of 25 members instead of 15, M. CALOGERAS (Brazil) also spoke to the same effect.

The session was suspended, to allow the delegates an opportunity of exchanging views before the opening of the voting slips. M. HYMANS (Belgium) stated, i.a. with regard to the Commission entrusted with the study of the League of Nations Covenant, that the number of Powers, demanding seats, was in excess of the number at disposal.

The President proposed for that Commission, just as for the Commission on the International Control of Ports, they should proceed by separate ballot for each commission. This was carried. He stated that the delegates who would be considered as having been elected, would be the five who had obtained the largest number of votes. The four names coming next in order, would be proposed to the Bureau by way of suggestion, with a view to complete the Commissions.

An exchange of views then took place in order to fix the method of voting. It was decided, in the first place, that the voting at the first round was to be determined by absolute majority; at the second, by relative majority; further that each Delegation should only hand in one voting card.

The list of candidates for the Commission on the League of Nations, was communicated to the meeting. In alphabetical order the candidates were: Belgium, Brazil, China, Czecho-Slovakia, Ecuador, Greece, Haïti, Poland, Portugal, Roumania, Serbia.

Voting was then proceeded to, and the count was taken. The President announced the result: 17 nations participated, the five that had obtained an absolute majority, and the largest number of votes were: Belgium, China, Brazil, Serbia and Portugal. The next in order were: Roumania, Greece, Poland, Czecho-Slovakia, Haïti, Ecuador.

In accordance with the decision of the meeting, the President submitted to the Bureau, the names of the four nations coming after the five that had obtained the most votes, these were: Roumania, Poland, Greece and Czecho-Slovakia.

At the end of the session, the names of the representatives of the nations, nominated by the voting, were communicated to the Secretariat. The Commission was then composed as follows: ¹⁾

¹⁾ Protocole No. 5, p. 30.

Pour les États-Unis d'Amérique :	Le PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE.
	Honorable Edward M. HOUSE.
Pour l'Empire Britannique :	The Rt. Hon. the Lord ROBERT CECIL, K.C., M.P.
	Lieutenant General the Rt. Hon. J. C. SMUTS, K.C., Ministre de défense de l'Union du Sud de l'Afrique.
Pour la France :	M. LÉON BOURGEOIS, Sénateur, ancien Président du Conseil des Ministres et Ministre des Affaires Étrangères.
	M. LARNAUDE, Doyen de la Faculté de Droit de Paris.
Pour l'Italie :	M. ORLANDO, Président du Conseil.
	M. SCIALOJA, Sénateur du Royaume.
Pour le Japon :	Baron MAKINO, ancien Ministre des Affaires Étrangères, Membre du Conseil Diplomatique.
	Vicomte CHINDA, Ambassadeur extraordinaire et Ministre plénipotentiaire de l'Empereur du Japon à Londres.
Pour la Belgique :	M. HYMANS, Ministre des Affaires Étrangères et Ministre d'État.
	M. EPITACIO PESSOA, Sénateur, ancien Ministre de la Justice.
Pour le Brésil :	M. V. K. WELLINGTON KOO, Envoyé extraordinaire et Ministre plénipotentiaire de Chine à Washington.
	M. JAYME BATALHA-REIS, Envoyé extraordinaire et Ministre plénipotentiaire de Portugal à Pétrograd.
Pour la Chine :	M. VESNITCH, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi de Serbie à Paris.
Pour le Portugal :	
Pour la Serbie :	

The Conference referred to the Commission for examination the request of the four other Powers — Greece, Poland, Roumania and Czecho-Slovakia —, that desired to be represented on the Commission. On the advice of the Commission, the next four members were admitted to the meetings from February 6th, 1919 : ¹⁾

¹⁾ Protocole No. 5, p. 31.

Pour la Grèce :	M. ELEFTHERIOS VENISELOS, Président du Conseil des Ministres.
Pour la Pologne :	M. ROMAN DMOWSKI, Président du Comité national polonais.
Pour la Roumanie :	M. DIAMANDY, Ministre plénipotentiaire de Roumanie.
Pour la République Tchéco-Slovакe :	M. CHARLES KRAMAR, Président du Conseil des Ministres.

Since the date of its inauguration, down to February 14th, the Commission met on 10 occasions. Those meetings, which were not reported in the press, except in short communiqués, and then very incompletely, led to the adoption of the Draft Covenant of the League, that was read by the President of the Commission at the full meeting of the Conference on February 14th.

4. THIRD PLENARY SESSION OF FEBRUARY 14th, 1919.

The agenda of the Third Plenary Session of February 14th, called for the deposition of the report presented on behalf of the Commission on the League of Nations, giving an account of the work of that Commission.

The President of the U.S.A., Mr. WILSON, made the following speech : ¹⁾

“Mr. CHAIRMAN, I have the honour, and assume it a very great privilege, of reporting in the name of the commission constituted by this Conference on the formulation of a plan for the League of Nations. I am happy to say that it is a unanimous report, a unanimous report from the representatives of fourteen nations—the United States, Great Britain, France, Italy, Japan, Belgium, Brazil, China, Czechoslovakia, Greece, Poland, Portugal, Roumania, and Serbia. I think it will be serviceable and interesting if I, with your permission, read the document, as the only report we have to make.”

President WILSON then read the Draft. ²⁾ When he reached Art. XV, and had read through the second paragraph, the President paused and said :

¹⁾ “New-York Times”, February 15th, 1919.

²⁾ The Draft Covenant, being printed on p. 51, together with the definite text, is not reproduced here.

"I pause to point out that a misconception might arise in connection with one of the sentences I have just read. If any party shall refuse to comply, the Council shall propose measures necessary to give effect to the recommendations. A case in point, a purely hypothetical case, is this: Suppose there is in the possession of a particular Power a piece of territory, or some other substantial thing in dispute, to which it is claimed that it is not entitled. Suppose that the matter is submitted to the Executive Council for recommendation as to the settlement of the dispute, diplomacy having failed, and suppose that the decision is in favour of the party which claims the subject-matter of dispute, as against the party which has the subject-matter in dispute. Then, if the party in possession of the subject-matter in dispute merely sits still and does nothing, it has accepted the decision of the Council in the sense that it makes no resistance, but something must be done to see that it surrenders the subject-matter in dispute. In such a case, the only case contemplated, it is provided that the Executive Council may then consider what steps will be necessary to oblige the party against whom judgment has been given to comply with the decisions of the Council."

After having read Art. XIX, President WILSON also stopped and said :

"Let me say that before being embodied in this document this was the subject-matter of a very careful discussion by representatives of the five great Powers, and that their unanimous conclusion is the matter embodied in this article."

After having read the entire document, President WILSON continued as follows :

"It gives me pleasure to add to this formal reading of the result of our labours that the character of the discussion which occurred at the sittings of the Commission was not only of the most constructive but of the most encouraging sort. It was obvious throughout our discussions that, although there were subjects upon which there were individual differences of judgment with regard to the method by which our objects should be obtained, there were practically at no point any serious differences of opinion or motive as to the objects which we were seeking.

Indeed, while these debates were not made the opportunity for the expression of enthusiasm and sentiment, I think the other members of the Commission will agree with me that there was an undertone of high respect and of enthusiasm for the thing we were trying to do, which was heartening throughout every meeting, because we felt that in a way this

conference did intrust unto us the expression of one of its highest and most important purposes, to see to it that the concord of the world in the future with regard to the objects of justice should not be subject to doubt or uncertainty, that the co-operation of the great body of nations should be assured in the maintenance of peace upon terms of honour and of internaional obligations.

The compulsion of that task was constantly upon us, and at no point was there shown the slightest desire to do anything but suggest the best means to accomplish that great object. There is very great significance, therefore, in the fact that the result was reached unanimously. Fourteen nations were represented, among them all of those powers which for convenience we have called the great Powers, and among the rest a representation of the greatest variety of circumstances and interests. So that I think we are justified in saying that the significance of the result, therefore, has the deepest of all meanings, the union of wills in a common purpose, a union of wills which cannot be resisted, and which, I dare say, no nation will run the risk of attempting to resist.

Now as to the character of the document. While it has consumed some time to read this document, I think you will see at once that it is very simple, and in nothing so simple as in the structure which it suggests for a League of Nations—a Body of Delegates, an Executive Council, and a permanent Secretariat. When it came to the question of determining the character of the representation in the Body of Delegates, we were all aware of a feeling which is current throughout the world. Inasmuch as I am stating it in the presence of the official representatives of the various Governments here present, including myself, I may say that there is a universal feeling that the world cannot rest satisfied with merely official guidance. There has reached us through many channels the feeling that if the deliberating body of the League of Nations was merely to be a body of officials representing the various Governments, the peoples of the world would not be sure that some of the mistakes which preoccupied officials had admittedly made might not be repeated. It was impossible to conceive a method or an assembly so large and various as to be really representative of the great body of the peoples of the world, because, as I roughly reckon it, we represent, as we sit around this table, more than twelve hundred million people. You cannot have a representative of twelve hundred million people, but if you leave it to each Government to have, if it pleases, one or two or three representatives, though only with a single vote, it may vary its representation from time to time, not only, but it may originate the choice of its several representatives, if it should have several, in different ways. Therefore,

we thought that this was a proper and a very prudent concession to the practically universal opinion of plain men everywhere that they wanted the door left open to a variety of representation, instead of being confined to a single official body with which they could or might not find themselves in sympathy.

And you will notice that this body has unlimited rights of discussion—I mean of discussion of anything that falls within the field of international relations—and that it is especially agreed that war or international misunderstandings, or anything that may lead to friction or trouble, is everybody's business, because it may affect the peace of the world. And in order to safeguard the popular power so far as we could of this representative body, it is provided, you will notice, that when a subject is submitted, it is not to arbitration, but to discussion by the Executive Council. It can, upon the initiative of either of the parties to the dispute, be drawn out of the Executive Council into the larger forum of the general Body of Delegates, because through this instrument we are depending primarily and chiefly upon one great force, and this is the moral force of the public opinion of the world—the pleasing and clarifying and compelling influences of publicity, so that intrigues can no longer have their coverts, so that designs that are sinister can at any time be drawn into the open, so that those things that are destroyed by the light may be promptly destroyed by the overwhelming light of the universal expression of the condemnation of the world.

Armed force is in the background in this program, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall. But that is the last resort, because this is intended as a constitution of peace, not as a league of war.

The simplicity of the document seems to me to be one of its chief virtues, because, speaking for myself, I was unable to see the variety of circumstances with which this League would have to deal. I was unable, therefore, to plan all the machinery that might be necessary to meet the differing and unexpected contingencies. Therefore, I should say of this document that it is not a strait-jacket, but a vehicle of life. A living thing is born, and we must see to it what clothes we put on it. It is not a vehicle of power, but a vehicle in which power may be varied at the discretion of those who exercise it and in accordance with the changing circumstances of the time. And yet, while it is elastic, while it is general in its terms, it is definite in the one thing that we were called upon to make definite. It is a definite guarantee of peace. It is a definite guarantee by word against aggression. It is a definite guarantee against the things which have just come near bringing the whole structure of civilization into ruin. Its pur-

poses do not for a moment lie vague. Its purposes are declared, and its powers are unmistakable.

It is not in contemplation that this should be merely a league to secure the peace of the world. It is a league which can be used for coöperation in any international matter.

That is the significance of the provision introduced concerning labour. There are many ameliorations of labour conditions which can be effected by conference and discussion. I anticipate that there will be a very great usefulness in the Bureau of Labour which it is contemplated shall be set up by the League. Men and women and children who work have been in the background through long ages, and sometimes seemed to be forgotten, while Governments have had their watchful and suspicious eyes upon the manoeuvres of one another, while the thought of statesmen has been about structural action and the larger transactions of commerce and finance. Now if I may believe the picture which I see, there comes into the foreground the great body of the labouring people of the world, the men and women and children upon whom the great burden of sustaining the world must from day to day fall, whether we wish it to do so or not, people who go to bed tired and wake up without the stimulation of lively hope. These people will be drawn into the field of international consultation and help, and will be among the wards of the combined Governments of the world. There is, I take leave to say, a very great step in advance in the mere conception of that.

Then, as you will notice, there is an imperative article concerning the publicity of all international agreements. Henceforth, no member of the League can claim any agreement valid which it has not registered with the Secretary General, in whose office, of course, it will be subject to the examination of anybody representing a member of the League. And the duty is laid upon the Secretary General to publish every document of that sort at the earliest possible time. I suppose most persons who have not been conversant with the business of foreign affairs do not realize how many hundreds of these agreements are made in a single year, and how difficult it might be to publish the more unimportant of them immediately, how uninteresting it would be to most of the world to publish them immediately, but even they must be published just as soon as it is possible for the Secretary General to publish them.

Then there is a feature about this Covenant which, to my mind, is one of the greatest and most satisfactory advances that has been made.

We are done with annexations of helpless peoples, meant in some instances by some powers to be used merely for exploitation. We recognize in the most solemn manner that the helpless and undeveloped peoples

of the world, being in that condition, put an obligation upon us to look after their interests primarily before we use them for our interests, and that in all cases of this sort hereafter it shall be the duty of the League to see that the nations who are assigned as the tutors and advisers and directors of these peoples shall look to their interests and their development before they look to the interests and desires of the mandatory nation itself. There has been no greater advance than this, Gentlemen. If you look back upon the history of the world you will see how helpless peoples have too often been a prey to powers that had no conscience in the matter. It has been one of the many distressing revelations of recent years that the great power which has just been, happily, defeated, put intolerable burdens and injustices upon the helpless people of some of the colonies which it annexed to itself, that its interest was rather their extermination than their development, that the desire was to possess their land for European purposes and not to enjoy their confidence in order that mankind might be lifted in these places to the next higher level.

Now, the world, expressing its conscience in law, says there is an end of that, that our consciences shall be settled to this thing. States will be picked out which have already shown that they can exercise a conscience in this matter, and under their tutelage the helpless peoples of the world will come into a new light and into a new hope.

So I think I can say of this document that it is at one and the same time a practical document and a human document. There is a pulse of sympathy in it. There is a compulsion of conscience throughout it. It is practical, and yet it is intended to purify, to rectify, to elevate. And I want to say that so far as my observation instructs me, this is in one sense a belated document. I believe that the conscience of the world has long been prepared to express itself in some such way. We are not just now discovering our sympathy for these people and our interest in them. We are simply expressing it, for it has long been felt, and in the administration of the affairs of more than one of the great States represented here—so far as I know, all of the great States that are represented here—that humane impulse has already expressed itself in their dealings with their colonies, whose peoples were yet at a low stage of civilization. We have had many instances of colonies lifted into the sphere of complete self-government. This is not the discovery of a principle. It is the universal application of a principle. It is the agreement of the great nations which have tried to live by these standards in their separate administrations to unite in seeing that their common force and their common thought and intelligence are lent to this great and humane enterprise.

I think it is an occasion, therefore, for the most profound satisfaction that this humane decision should have been reached in a matter for which the world has long been waiting and until a very recent period thought that it was still too early to hope.

Many terrible things have come out of this war, Gentlemen, but some very beautiful things have come out of it. Wrong has been defeated, but the rest of the world has been more conscious than it ever was before of the majority of right. People that were suspicious of one another can now live as friends and comrades in a single family, and desire to do so. The miasma of distrust, of intrigue, is cleared away. Men are looking eye to eye and saying, 'We are brothers and have a common purpose. We did not realize it before, but now we do realize it, and this is our covenant of friendship.'

LORD ROBERT CECIL (Great Britain) explained the attitude adopted by the British Delegation in the following speech : ¹⁾

"I rejoice very much that the course which has been taken this afternoon has been pursued. It seems to me a good omen for the great project in which we are engaged that before its final completion it should have been published to the world and laid before all its people for their service and for their criticism.

The President spoke of the spirit which animated the commission over which he presided with such distinction. I gladly bear my testimony to the complete accuracy, both in letter and in spirit, of everything which he has said about it. It was, indeed, a pleasure to serve with such colleagues, and but for the common purpose and the common devotion to that purpose, it would have been impossible for us to have accomplished the task set before us within the time which was given to it. For, after all, the problem which we were engaged in solving was one of great difficulty. As I see it, it was to devise some really effective means of preserving the peace of the world consistent with the least possible interference with national sovereignty. You have heard the Covenant and it is unnecessary for me to dwell on its details. We have sought to safeguard the peace of the world by establishing certain principles.

The first and chiefest of them is that no nation shall go to war with any other nation until every other possible means of settling the disputes shall have been fully and fairly tried.

Secondly, we lay down that under no circumstances shall any nation seek forcibly to disturb the territorial settlement to be arrived at as

¹⁾ "New-York Times", February 16th, 1919.

the consequence of this peace or interfere with the political independence of any of the States in the world.

These are the two great precepts which we seek to lay down for the government of international relation. And we have recognized that if these principles are really to be acted upon we must go one step further and lay it down that no nation must retain armament on a scale fitted only for aggressive purposes. I do not doubt that the working out of that principle will be difficult, but it is laid down clearly in this document, and the organs of the League are intrusted with the duty of producing for the consideration and support of the world a workable scheme for carrying it into effect.

And, finally, we have thought that if the world is to be at peace it is not enough to forbid war. We must do something more than that. We must try and substitute for the principle of international competition that of international co-operation, and you will find at the end of this document a number of clauses, which point out the various respects in which the world can better discharge its duties by the co-operation of each nation for purposes which are beneficial to the whole of them. They are the examples of what may be done. There are many omissions. There is one clause which points out that in future international co-operation shall be made subject to and connected with the League of Nations. Certainly I should hope that there are such questions as the opium trade, the white slave traffic, and, in another order of ideas, the regulation of the arteries of the air, which, besides those mentioned in this document, call earnestly for effective international co-operation. Certain it is that if we can once get the nations of the world into the habit of co-operating with one another, you will have struck a great blow at the source or origin of almost all the world wars which have defaced the history of the world.

Those, I believe, are the principles on which we have relied for the safeguarding of Peace. And as to national sovereignty, we have thought, in the first place, that the League should not in any respect interfere with the international liberties of any nation. I do not regard the clause which deals with labour as any such interference, for it is quite certain that no real progress in ameliorating the conditions of labour can be hoped for except by international agreement. Therefore although the conditions of labour in a country are a matter of internal concern, yet, under the conditions under which we now live that is not so in truth, and bad conditions of labour in one country operate with fatal effect in depressing conditions of labour in another.

Secondly, we have laid down (and this is the great principle of the delegates except in very special cases and for very special reasons which

are set out in the Covenant) that all action must be unanimously agreed to in accordance with the general rule that governs international relations. That this will to some extent, in appearance at any rate, militate against the rapidity of action of the organs of the League is undoubted. In my judgment that defect is far more than compensated by the confidence that it will inspire that no nation, whether small or great, need fear oppression from the organs of the League.

Gentlemen, I have little more to say. The President has pointed out that the frame of the organization suggested is very simple. He has alluded to some respects in which some may think it might have been more elaborate, but I agree with him that simplicity is the essence of our plan. We are not seeking to produce for the world a building finished and complete in all respects. To have attempted such a thing would have been an arrogant piece of folly. All we have tried to do — all we have hoped to do — is to lay soundly and truly the foundations upon which our successors may build.

I believe those foundations have been well laid out, and it depends upon those who come after us what will be the character and stability of the building erected upon them.

If it is merely a repetition of the old experiments of alliance, designed for however good a purpose, believe me, Gentlemen, our attempt is doomed to failure. It must be a practical thing (and this is the real point), instinct with a genuine attempt to achieve the main objects we have in view. And if those who build on those foundations really believe that the interest of one is the interest of all and that the prosperity of the world is bound up with the prosperity of each nation that makes it up — that goes to compose the family — then only will the finished structure of the League of Nations be what it ought to — a safeguard and a glory for the humanity of the world."

M. ORLANDO (Italy), explained the point of view adopted by the Italian Delegation i. a. in the following terms : ¹⁾

„Si je n'avais demandé de prendre part à ce débat que pour exprimer ma satisfaction profonde d'avoir pu collaborer à la première rédaction du document qui vous est présenté, j'ose espérer que mon sentiment semblerait justifié, dès que l'on considère que nous attendons tous avec une grande foi, du développement de cet acte, un renouveau du monde entier, tel que l'Histoire n'en a jamais connu. Mais ce débat a pour objet d'exposer à l'examen de l'opinion publique universelle le nouveau statut in-

¹⁾ Protocole No. 3, p. 10.

ternational. Je voudrais donc y apporter ma modeste contribution, en faisant suivre les explications données par mes Collègues de quelques remarques, non pas sur l'esprit général de l'acte, — cela a été fait par celui qui avait le plus haut, le plus noble titre à le faire, un titre devant lequel nous nous inclinons, — ni même sur les principes fondamentaux, qui ont été exposés avec une lucidité vigoureuse par Lord ROBERT CECIL.

Je dirai plutôt quelques mots sur la méthode générale d'après laquelle nous avons poursuivi nos travaux. Notre tâche était d'une difficulté incomparable. Nous procédions de deux principes absolus, dont la conciliation pouvait paraître, à priori, dialectiquement impossible, d'un côté, la souveraineté des États, superlatif, qui ne supporte ni comparaison, ni relation, et, de l'autre, la nécessité d'une limite supérieure imposée à la conduite des États afin que la sphère de leurs droits pût s'harmoniser avec celle des droits de tous les autres, afin que leur liberté ne pût pas comprendre la liberté de faire le mal. Nous avons pu réaliser la conciliation de ces deux principes sur la base de la "self-contraint", d'une coercition spontanée de sorte que les États seront amenés dans l'avenir, sous le contrôle de l'opinion publique du monde entier, à reconnaître volontairement la limite qui leur est imposée par égard à la paix universelle. Je n'ignore pas que la possibilité même d'une pareille transformation est l'objet des attaques des sceptiques, selon leur tempérament, tour à tour mélancoliques ou ironiques. Vis-à-vis de ces sceptiques, j'agirai à la façon de ce philosophe grec qui, pour répondre au sophiste lui déniant la possibilité du mouvement, se leva et se mit à marcher. La possibilité de cette admission spontanée et collective d'une nécessité supérieure nous a été démontrée, en fait, par les travaux mêmes de la Commission à laquelle j'ai eu l'honneur de prendre part. En elle-même cette Commission était un Comité d'une Société des Nations ; des hommes d'Etat éminents y représentaient la pensée et les intérêts des peuples les plus divers, vivant dans tous les continents du globe, et ils se trouvaient face à face avec les problèmes les plus imposants dont la solution aurait pu rendre hésitant l'esprit le plus audacieux et le plus révolutionnaire."

M. LÉON BOURGEOIS (France), spoke on the views of the French Delegation i. a. in the following terms :¹⁾

.... „Nous établissons que le Droit et la Justice doivent être la base du règlement de tous les conflits, de tous les différends internationaux, que la porte du prétoire est ouverte à tous les Etats ; tous sont sûrs d'y trouver

¹⁾ Protocole No. 3, p. 11.

des juges qui ne sauront pas s'ils appartiennent eux-mêmes à une Grande ou à une Petite Puissance, parce qu'ils y siégeront, non comme Représentants de cette Puissance, mais comme Représentants du Droit.

Il est un autre principe auquel nous nous attachons particulièrement parce qu'il forme véritablement le nœud de l'obligation internationale : tous les États consentant à s'incliner devant la justice commune consentent en même temps à se garantir mutuellement leur intégrité territoriale et leur indépendance politique toutes les fois que l'un ou l'autre de ces intérêts supérieurs sera menacé par la violence ou par un trouble quelconque.

Voilà le faisceau des obligations que nous consentons, voilà l'objet que le Pacte qui vous est présenté a pour but d'atteindre, et j'espère, comme vous tous, que les moyens proposés permettront de l'atteindre en effet.

Une partie de la Convention a pour objet de multiplier autour des institutions juridiques un ensemble d'éléments d'activité réelle qui faciliteront précisément la solution des conflits. Nous pensons qu'il faut développer toutes les institutions internationales qui augmentent cette interdépendance des intérêts de tous les États, et, par conséquent, les liens qui les unissent. Un certain nombre d'institutions internationales existent déjà : il s'agit de les compléter et de les développer pour y comprendre la plus grande partie des buts de l'activité humaine.

Sur tous ces principes, ai-je besoin de le dire ? nous avons été unanimes, non seulement pour les proclamer, mais pour faire en sorte qu'ils soient entendus et compris à travers le monde et que, même parmi les États qui ont le plus de difficultés à concevoir cette idée de justice, la lumière se fasse enfin et pénétre les consciences.

Mais, pour que ces principes triomphent, pour qu'ils soient effectivement garantis, il ne suffit pas de les proclamer : il faut organiser pour leur défense un système à la fois de juridiction et d'action.

L'organisation — on y a fait allusion tout à l'heure — est très claire et très simple. Le Conseil international des Délégués¹⁾ représente précisément le principe de l'égalité des États ; tous les États y sont également présents, associés, et chacun d'eux n'a qu'une voix. Par conséquent, l'idée d'égalité devant le Droit, exprimée ici, est réalisée de la façon la plus claire dans l'organisation du Conseil international.

Le Comité exécutif a une autre tâche. Il est nécessaire d'y donner une place considérable, prépondérante, à ceux qui ont la garde des grands intérêts généraux, mais une large part y est faite également aux Petits

¹⁾ The official term was „*l'Assemblée des Délégués*.”

États. En décidant que les Grandes Puissances auraient cinq voix et les Petites Puissances quatre voix, notre Commission a montré son désir de respecter les intérêts des Petits États.

Tous les conflits sont soumis soit à l'arbitrage, soit à l'examen du Comité exécutif. Le respect des sentences et des décisions est assuré par des règles précises dont la violation serait considérée comme un acte de guerre contre tous les États. Voilà l'idée de mutualité réelle qui prend sa forme définitive : lorsqu'un des membres de la Société des Nations, si petit, si lointain qu'il soit, se trouve attaqué par une violence injuste, jugée telle, c'est la Société des Nations tout entière qui se considère comme attaquée : dès lors, l'État auteur de cette violence doit se considérer désormais en état de guerre, non plus contre l'État vers qui est dirigée l'agression, mais en état de guerre contre le monde.

Mais il faut aller encore plus loin. Pour assurer définitivement le respect dû aux sentences et aux décisions internationales, il faut la limitation des armements.

Cette limitation des armements, il y a bien longtemps que nous l'appelons de nos vœux. Ceux d'entre vous qui ont assisté autrefois aux discussions de La Haye s'en souviennent. Aujourd'hui il est possible, grâce à la victoire qui a permis de désarmer d'une façon presque complète l'ennemi, le barbare vaincu, de la réaliser pratiquement. Cette limitation doit être telle qu'aucun État ne soit assez fort pour pouvoir faire prévaloir sa force contre celle de la Société des Nations. Mais chaque État doit entretenir une force suffisante pour que, par la réunion des forces des différents États associés, la Société des Nations soit sûre de pouvoir à son tour faire prévaloir sa volonté.

Ai-je besoin de dire que c'est à l'unanimité et avec l'ardent appui de la Délégation française que ces règles ont été établies ? Mais, et c'est un point sur lequel je voudrais retenir quelques instants votre attention, les périls ne sont pas égaux pour tous. Nous pouvons le dire librement parce que rien dans les paroles que je vais prononcer ne peut être considéré comme une critique du projet, mais simplement comme le désir que nous avons de le voir compléter. Des périls particuliers existent pour certains pays, pour la France, la Belgique, la Serbie, pour les États qui viennent de se créer ou de se reconstituer dans l'Europe centrale : il est nécessaire pour eux de prévoir et d'organiser des garanties efficaces.

La Commission a été unanime à le reconnaître, elle a tenu compte, dans un texte formel, „de la situation géographique de chaque pays et des circonstances“ dans la fixation qui va être faite des armements de chaque État. Il en résulte que, là où les frontières présenteront certains périls plus grands qu'ailleurs, il sera loisible à l'État placé ainsi sur un point

dangereux de se fortifier davantage, d'augmenter ses effectifs et ses armements.

Cela est bien. Mais il ne faut pas oublier que cet État, s'il lui est permis d'augmenter en effet ses effectifs et ses armements, accepte par là même une augmentation de ses charges et que, par conséquent, dans l'ensemble de la lutte pacifique qui se poursuit entre les Nations, celles qui auront ainsi supporté volontairement des charges particulières se trouveront naturellement dans une situation plus difficile. Il faut qu'on prenne cette initiative en sérieuse considération, il ne faut pas qu'on la laisse s'aggraver.

Deux questions pratiques se posent à ce sujet. Pour assurer cette sécurité nécessaire, il faut que les armements soient rigoureusement vérifiés. On a eu bien raison de rappeler — M. le Président WILSON le faisait observer ces jours derniers avec une éloquence saisissante — que la guerre contemporaine est devenue une guerre où les questions de matériel ont pris une place énorme, où les développements de ce qu'on appelle la barbarie scientifique ont rendu terriblement périlleux les progrès qui, chaque jour, s'accomplissent dans les industries d'ordre militaire.

Il est donc nécessaire que le contrôle des fabrications d'armes et des industries qui peuvent être utilisées pour la guerre soit assuré.

La Commission l'a reconnu, car „les Hautes Parties Contractantes se sont engagées à ne se rien cacher mutuellement de la condition de leurs industries susceptibles de s'adapter à la guerre ainsi que l'échelle de leurs armements, à faire un plein et franc échange d'information sur leurs programmes militaires et navals.”

Je suis très reconnaissant à la commission de cette rédaction nouvelle qui a singulièrement approché la solution du problème.

Nous nous sommes permis cependant de faire cette observation qu'il serait nécessaire qu'une organisation permanente de vérification et de constatation mutuelles fût établie et nous demandions qu'une Commission fût constituée à cet effet. Cela ne nous a pas empêché d'accepter le projet dans son ensemble, mais nous croyons qu'au moment où l'opinion publique va être saisie de l'étude de la question, il était nécessaire de faire connaître nos vues à cet égard.

Il est un second point.

L'État qui viole le Pacte international est en guerre contre tous. Ainsi toutes les forces alliées agiront nécessairement dans cette guerre prescrite par le Droit. Mais la guerre ne s'improvise pas, surtout quand il faut réunir les forces d'États divers, nombreux, éloignés, dont les points d'action sont dispersés sur toute la surface du monde. Chez chaque peuple, la volonté existe de ne pas risquer la vie de ses enfants dans une action

militaire sans que les pouvoirs souverains de l'État aient examiné si les conditions du Pacte exigent l'intervention, si l'on est bien dans un cas où l'obligation morale s'est transformée en une obligation d'action.

La nécessité de consulter les organes légaux de la représentation nationale, d'obtenir les votes des Parlements, avant toute action, exige des délais. Il faut du temps pour ces délibérations, et elles seront même impossibles si l'on n'a pas un plan préalablement étudié, prévoyant l'appel que la Société des Nations doit adresser à chacun, indiquant où et comment les contingents nationaux pourront et devront être dirigés.

Enfin, en cas de menace, d'agression — et je vous demande la permission de retenir sur ce point votre attention à tous, sachant que votre sentiment est unanime comme l'a été celui de la Commission — nous devrons arriver à augmenter les garanties dont nous avons besoin. Il faut qu'à l'avance les mesures aient été discutées, établies et concertées, pour que d'abord un frein préalable soit opposé aux mauvaises volontés et aux mauvaises intentions des ennemis ; s'ils savent ce qu'on a préparé, ce qu'on préparera pour résister à l'agression, ils ne la tenteront pas. Dans le cas contraire, ils seront encouragés, et le but que nous poursuivons ne pourra pas être atteint.

Une agression subite ne doit pas pouvoir se produire sur les points dangereux du monde sans que la répression immédiate soit assurée. C'est pourquoi, ne voulant pas voir se renouveler ce spectacle auquel faisait allusion tout à l'heure M. le Président WILSON, ces terribles désastres, qui semblent être le signe d'une volonté d'extermination par l'ennemi, nous avons demandé la création d'un organisme permanent qui donnera à la Société des Nations la garantie nécessaire. Cet organisme devra prévoir et préparer les moyens militaires destinés à assurer l'exécution des obligations que la Convention impose aux États et en assurer l'efficacité immédiate dans tous les cas d'urgence.

A cet égard, nos Collègues nous ont dit qu'il y avait des difficultés d'ordre constitutionnel et d'ordre légal à prévoir avant qu'une organisation permanente de ce genre puisse être instituée. Mais nous avons cru qu'il nous était loisible, au moment où l'opinion publique va être saisie de ce problème, de le poser librement devant elle comme devant vous."....

There followed some remarks by BARON MAKINO (Japan)¹⁾ and then Mr. BARNES (Great Britain) made a speech giving the views of British Labour ; this speech is inserted here :²⁾

¹⁾ Protocole No. 3, p. 15.

²⁾ "Times", February 17th, 1919.

"As one whose privilege it is to represent specially the working folk of Great Britain, I want just to make a very few observations. I think I know the mind of the British people on this question of the League of Nations, and I can assure you that it is one of eager expectancy. The people of Great Britain have shouldered their burden during the war, but through all its struggles and sacrifices they have looked eagerly forward for the day when aggressive war shall be no more. That day is dawning and, I believe, has been hastened by the work of the last month. To my mind, Mr. President, there are three outstanding principles in this document which, I believe, will stand out conspicuously as landmarks in the history of mankind.

First of all, the substitution of an altruistic principle for imperialism and violence in the adjustment of international affairs. Nations which have suffered and sacrificed in the acquisition of territory have agreed to the overseership of the League of Nations in the administration of that territory. They have further agreed to the principle that the welfare and assent of the peoples shall be the determining considerations in its administration. There is in this agreement, Mr. President, to my mind, a great advance in the application of the principle of moral idealism, and I can only say that I believe that that will strike the imagination of the world.

Second, they have agreed on the principle of reduction of armaments, a point of national safety, as prescribed by the League of Nations. This I believe to be the essential feature of the condition of permanent peace. If there be excess of guns, there will always be a chance of them getting fired off.

Moreover, the nations in the future will be unable in any case to bear the burdens of armaments which have been the feature of our sad history during the last two or three decades. I am, therefore, glad that in this document provision is made for reduction of armaments, thereby, I believe, lessening the risk of war and easing the economic burden upon the people.

The third is a principle to which I wish to call attention in regard to the signatories to this document—they have agreed on a recognition of the evils of private profit in the manufacture of armaments—although, for my part, I should like to have seen a more robust declaration in favour of the abolition of private arms. Abolition I believe to be a step which will ultimately be found necessary, and I further hope that the Executive may be able to devise ways and means by which private profit may be eliminated, and I am perfectly sure that nothing would be more welcome to the mind of working folks.

There are just one or two things, Mr. President, which, to my mind, might have been more explicit, and which, I believe, will have to be grafted

on to a League of Nations as the idea of world unity becomes more widely accepted. Let me mention one. I am afraid that when the time comes for the enforcement of decrees—if ever it does come, which God forbid—there may be delay and confusion on the part of the League. What I am afraid of is that an aggressive nation might again try to break through, and win its way to its object before the forces of mankind can be mobilized against it. Therefore, I should have been glad to have seen some provision for the nucleus of an international force which would be ready to strike against an aggressive nation. This, I know, cuts into the idea of the sovereignty of nations, but I hope that there may be future discussion on the part of the affiliated States as to how they can adjust their national life so as to admit of a greater degree of cooperation than is in this document.

Finally, I gladly note the insertion of a clause providing for the formation of international charters of labour. Hitherto nations have endeavoured to protect themselves against low-paid labour by the imposition of tariff barriers. I hope we shall in the future, under the authority of the League of Nations, seek and find a better way by abolishing low-paid labour altogether. We hope to raise life and labour from the mere struggle for bread on to higher levels of justice and humanity. The Commission, Mr. CHAIRMAN, which was appointed a few weeks ago to go into this matter is now busily engaged in formulating its detailed plan, and we hope to report in a few weeks' time. I can only say now, on behalf of that Commission, that we shall endeavour to bring ourselves into contact with the League of Nations on as many points as we possibly can, and to bring ourselves in line with this epoch-making document which President WILSON has submitted to us to-day, and, through us, to the war-weary world."

After speeches had also been made by M. VENISELOS (Greece)¹, M. VIKYUN WELLINGTON KOO (China)², M. ROSTEM HAIDAR (Hedjaz)³, Mr. HUGHES (Australia)⁴ asked a question with reference to which the President said, that the report presented and commented upon by the President of the U. S. A., would be lodged with the Bureau of the Conference, to be submitted to investigation and discussion by all the Powers involved. The date when the discussion could be held, would depend upon the course of the preliminary and preparatory investigation. The Bureau would press

¹⁾ Protocole No. 3, p. 16.

²⁾ Protocole No. 3, p. 17.

³⁾ Protocole No. 3, p. 18.

⁴⁾ Protocole No. 3, p. 19.

forward with the calling of a meeting as soon as it would be able to submit the report for discussion.

5. THE COMMISSION ON THE LEAGUE OF NATIONS BETWEEN FEBRUARY 14th AND APRIL 28th, 1919.

The Draft Covenant of February 14th was published immediately, for the purpose of inviting discussion of its terms. Great advantage was taken of the right of criticism. In the press, and in resolutions by various private associations objections were raised and views expressed on the Draft Covenant. For the greater part, that criticism was really constructive and brought forth a number of useful suggestions.

In this regard, should be mentioned, in the first place, the meetings with the representatives of the 13 States that remained neutral during the war, held on March 20th and 21st, with a sub-commission of the Commission on the League of Nations.¹⁾

Further the Commission met successively on March 22nd, 24th, and 26th, and on April 10th and 11th, under the presidency of Mr. WILSON, who returned from America on March 15th. The following communiqué's were issued :²⁾

March 22nd.—The Commission on the League of Nations met in the afternoon under the chairmanship of President WILSON. This was the first meeting of the Commission since the Draft of the Covenant was presented to the Plenary Session of the Conference on February 14th.

A discussion took place on a number of amendments suggested by the members of the Commission as a result either of the recent exchange of views with the representatives of neutral States or of the constructive criticism to which the Covenant has been generally submitted.

March 24th.—The twelfth meeting of the League of Nations Commission, which was the second meeting held to consider amendments to the draft of the Covenant, took place at the Hotel Crillon at 8.30 p.m. Amendments to the articles from IX to XVI of the Covenant were considered, so that two-thirds of the draft has been examined.

¹⁾ See p. 173.

²⁾ "Advocate of Peace", for April, 1919, p. 113.

March 26th.—The thirteenth meeting of the League of Nations Commission was held at the Hotel Crillon at 8.30 p. m. under the chairmanship of President WILSON. The chairman nominated Signor ORLANDO, Baron MAKINO, Gen. SMUTS and Col. HOUSE as members of a committee to consider the question of the locality of the Seat of the League.

The Commission then concluded its examination of the amendments proposed to the Draft Covenant. Lord Robert CECIL, M. LARNAUDE, M. VENISELOS and Col. HOUSE were nominated by the chairman as a committee on revision to consider the questions of the next meeting as soon as the committee on revision was ready to report.

April 10th.—The fourteenth meeting of the Commission on the League of Nations was held to-day at the Hôtel Crillon, under the chairmanship of President WILSON.

The Commission first received a deputation from the International Council of Women and the Suffragist Conference of the Allied countries and the United States.

The Commission then proceeded to discuss the re-draft of the Covenant received from the Drafting Committee, and covered the articles from I to X. The discussion of subsequent articles will take place to-night at 8.30 at the Hotel Crillon.

The Japanese delegation proposed an amendment to the preamble of the Covenant as follows: To insert after the words 'by the prescription of open, just and honourable relations between nations', an additional clause to read: 'by the indorsement of the principle of equality of nations and just treatment of their nationals.'

The amendment was admirably presented by Baron MAKINO. In the course of his speech he emphasized the great desire of the Japanese Government and of the Japanese people that such a principle be recognized in the Covenant. His argument was supported with great force by Viscount CHINDA.

A discussion followed, in which practically all of the members of the Commission participated. The decision was marked by breadth of thought, free and sympathetic exchange of opinion and a complete appreciation by the members of the Commission of the difficulties which lay in the way of either accepting or rejecting the amendment.

The Commission was impressed by the justice of the Japanese claim and by the spirit in which it was presented. Mention was frequently made in the course of the discussion of the fact that the Covenant provided for the representation of Japan on the Executive Council as one of the five great Powers, and that a rejection of the proposed amendment could not, therefore, be construed as diminishing the prestige of Japan.

Various members of the Commission, however, felt that they could not vote for its specific inclusion in the Covenant. Therefore the Commission was reluctantly unable to give to the amendment that unanimous approval which is necessary for its adoption.¹⁾

April 11th. — The fifteenth meeting of the Commission on the League of Nations was held at the Hotel Crillon under the chairmanship of President WILSON.

The Commission resumed its examination of the articles of the Covenant as redrafted by the committee on revision. Articles XI to XXVI were covered in the course of the evening and the Commission rose at 12.30, having completed its work. The appointment of a committee which should draw up plans of the League organization was authorized.

The new text contains 26 articles. The entire document has been carefully revised from the point of view of drafting, and it contains, in addition, its specific statement of a number of principles heretofore regarded by the Commission as implicit in the Covenant.

Except for the technical task of bringing the French and English texts into accord, the Covenant is ready for the Plenary Conference. It will therefore be made public in the course of a few days.

In addition to the above mentioned Japanese amendment some other important subjects were discussed at the two last meetings of the Commission²⁾, such as the French amendments to Arts. VIII and IX, and the American amendment on the Monroe doctrine.

The two following subjects were also treated : 1. that of the language to be adopted in the drawing up of the official documents of the League, and 2. that of the Seat of the League.

As to the first point, the French delegation, in accordance with the report drawn up by M. AULARD, took the initiative of proposing that French should be selected. A long resolution was proposed with regard to this, finally the following amendment was made :

„Les membres de la Société conviennent d'accepter comme faisant foi entre elles le texte français de la présente convention. La langue française sera également acceptée dans les mêmes conditions pour la rédaction des actes officiels des divers organes de la Société des Nations.”

¹⁾ The amendment obtained 11 of the 28 votes recorded.

²⁾ These and further particulars concerning the meetings of the Commission are found in SCELLE, *Le Pacte des nations et sa liaison avec le Traité de Paix*, p. 218.

The Commission having declared itself incompetent to decide this question, it was therefore resolved to refer the motion to the Plenary Conference.

With regard to the second point, that of the Seat of the League, the Commission did come to a decision ; of the 18 votes recorded, 12 were in favour of Geneva, and 6 for Brussels. M. PAUL HYMANS, the Belgian Minister for Foreign Affairs, had strongly insisted upon Brussels' claims, President WILSON had personally advocated Geneva being the place to be chosen. On the matter being submitted to the vote, France, Belgium, China, Czecho-Slovakia and Portugal voted for Brussels ; the U. S. A., Great Britain, Italy, Japan, Serbia, Greece, Roumania and Brazil, voted in favour of Geneva.

In spite of the diligence with which this Commission occupied itself with the revising of the Covenant, in certain quarters there appeared a very distinct feeling of impatience. President WILSON therefore, on March 26th, issued the following statement :¹⁾

"In view of the very surprising impression which seems to exist in some quarters that it is the discussions of the Commission on the League of Nations that are delaying the final formulation of peace, I am very glad to take this opportunity of reporting that the conclusions of this Commission were the first to be laid before the Plenary Conference.

They were reported on February 14th, and the world has had a full month in which to discuss every feature of the Draft Covenant then submitted. During the last few days the Commission has been engaged in an effort to take advantage of the criticisms which the publication of the Covenant has fortunately drawn out, a Committee of the Commission has also had the advantage of a Conference with representatives of neutral nations, who are evidencing a very deep interest and a practically unanimous desire to align themselves with the League.

The revised Covenant is now practically finished. It is in the hands of a Committee for the final process of drafting and will almost immediately be presented a second time to the public.

The Conferences of the Commission have invariably been held at times when they could not interfere with the consultation of those who have undertaken to formulate the general conclusions of the Conference with regard to the many other complicated problems of Peace, so that the members of the Commission congratulate themselves on the fact that no part of their Conferences has ever interposed any form of delay."

¹⁾ "Times", March 27th, 1919.

6. FIFTH PLENARY SESSION OF APRIL 28th, 1919.

The Fourth Plenary Session of April 11th, 1919, was wholly taken up with the report submitted on behalf of the Commission on International Legislation on Labour¹⁾. The order of the day at the Fifth Plenary Session, of April 28th, however, called for the discussion of the report presented on behalf of the Commission on the League of Nations.

The President of the U. S. A., in the following speech, explained the alterations that had been made in the Covenant by the Commission :²⁾

"When the text of the Covenant³⁾ of the League of Nations was last laid before you I had the honour of reading the Covenant in extenso. I will not detain you to-day to read the Covenant as it has now been altered, but will merely take the liberty of explaining to you some of the alterations that have been made.

The report of the Commission has been circulated. You yourselves have in hand the text of the Covenant, and will no doubt have noticed that most of the changes that have been made are mere changes of phraseology, not changes of substance, and that, besides that, most of the changes are intended to clarify the document, or, rather, to make explicit what we all have assumed was implicit in the document as it was originally presented to you.

But I shall take the liberty of calling your attention to the new features, such as they are. Some of them are considerable, the rest trivial.

The first paragraph of Article I is new. In view of the insertion of the Covenant in the Peace Treaty, specific provision as to the signatories of the Treaty, who would become members of the League, and also as to neutral states to be invited to accede to the Covenant, were obviously necessary.

The paragraph also provides for the method by which a neutral state may accede to the Covenant.

¹⁾ Protocole N°. 4.

²⁾ "New York Times", April 29th, 1919.

³⁾ President WILSON expressed himself on the term "Covenant" in his speech at Oregon, on September 16th, 1919, when he said that he himself came of those Covenanters in Scotland who once signed a Covenant to stand by the principles of their religion as long as any of them lived. "Now" he went on, "I have seen men from all the nations sit round a table in Paris and sign the solemn League and Covenant. They have become Covenanters, and I remain one: We are going to see this job through, no matter what evil influences oppose us."

The third paragraph of Article I is new, providing for the withdrawal of any Member of the League on a notice given of two years.

The second paragraph of Article IV is new, providing for a possible increase in the Council, should other powers be added to the League of Nations whose present accession is not anticipated.

The last two paragraphs of Article IV are new, providing specifically for one vote for each Member of the League in the Council, which was understood before, and providing also for one representative of each Member of the League.

The first paragraph of Article V is new, expressly incorporating the provision as to the unanimity of voting, which was at first taken for granted.

The second paragraph of Article VI has had added to it that a majority of the Assembly must approve the appointment of the Secretary General.

The first paragraph of Article VII names Geneva as the Seat of the League and is followed by a second paragraph which gives the Council power to establish the Seat of the League elsewhere should it subsequently deem it necessary.

The third paragraph of Article VII is new, establishing equality of employment of men and women, that is to say, by the League.

The second paragraph of Article XIII is new, inasmuch as it undertakes to give instances of disputes which are generally suitable for submission to arbitration, instances of what have latterly been called "justiciable" questions.

The eighth paragraph of Article XV is new. This is the amendment regarding domestic jurisdiction, that where the Council finds that a question arising out of an international dispute affects matters which are clearly under the domestic jurisdiction of one or other of the parties, it is to report to that effect and make no recommendation.

The last paragraph of Article XVI is new, providing for an expulsion from the League in certain extraordinary circumstances.

Article XXI is new.

The second paragraph of Article XXII inserts the words with regard to mandatories: "and who are willing to accept it," thus explicitly introducing the principle that a mandate cannot be forced upon a nation unwilling to accept it.

Article XXIII is a combination of several former Articles, and also contains the following: a clause providing for the just treatment of aborigines; a clause looking toward a prevention of the white slave traffic and the traffic in opium, and a clause looking toward progress in international prevention and control of disease.

Article XXV specifically mentions the Red Cross as one of the international organizations which are to connect their work with the work of the League.

Article XXVI permits the amendment of the Covenant by a majority of the states composing the Assembly, instead of threefourths of the states, though it does not change the requirement in that matter with regard to the vote in the Council. The second paragraph of Article XXVI is also new, and was added at the request of the Brazilian delegation, in order to avoid certain constitutional difficulties. It permits any member of the League to dissent from an amendment, the effect of such dissent being withdrawal from the League. And the annex is added, giving the names of the signatories of the Treaty, who become Members, and the names of the States invited to accede to the Covenant.

These are all the changes, I believe, which are of moment.

Mr. PRESIDENT, I take the opportunity to move the following resolutions in order to carry out the provisions of the Covenant. You will notice that the Covenant provides that the first Secretary General shall be chosen by this Conference. It also provides that the first choice of the four member states who are to be added to the five great Powers on the Council is left to this Conference.

I move, therefore,

First, that the first Secretary General of the League shall be the Hon. Sir JAMES ERIC DRUMMOND;

Second, that until such time as the Assembly shall have selected the first four members of the League to be represented on the Council in accordance with Article IV of the Covenant, representatives of Belgium, Brazil, Greece, and Spain shall be members of the Council; and

Third, that the Powers to be represented on the Council of the League of Nations are requested to name representatives who shall form a Committee of Nine to prepare plans for the organization of the League and for the establishment of the Seat of the League, and to make arrangements and to prepare the agenda for the first meeting of the Assembly, this Committee to report both to the Council and to the Assembly of the League.

I think it not necessary to call your attention to other matters we have previously discussed—the capital significance of this Covenant, the hopes which are entertained as to the effect it will have upon steadyng the affairs of the world, and the obvious necessity that there should be a concert of the free nations of the world to maintain justice in internatio-

nal relations, the relations between peoples and between the nations of the world."

At the moment when the President allowed BARON MAKINO (Japan), to speak, the President of the U. S. A. requested to be allowed to add a few words :

"If Baron MAKINO will pardon me for introducing a matter which I absent-mindedly overlooked, it is necessary for me to propose the alteration of several words in the first line of Article V. Let me say that in several parts of the Treaty, of which this Covenant will form a part, certain duties are assigned to the Council of the League of Nations. In some instances it is provided that the action they shall take shall be by a majority vote. It is therefore necessary to make the Covenant conform with the other portions of the Treaty by adding these words. I will read the first line and add the words :

"Except where otherwise expressly provided in this Covenant, or by the terms of this Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting."

"Except where otherwise expressly provided in this Covenant," is the present reading, and I move the addition "or by the terms of this Treaty" With that addition, I move the adoption of the Covenant."

Baron MAKINO then explained the objects of the amendment proposed by the Japanese delegation in the Commission. His speech follows :¹⁾

"I had first, on February 13, an opportunity of submitting to the Commission on the League of Nations our amendment to the Covenant, embodying the principle of equal and just treatment to be accorded to all aliens who happen to be the nationals of the States which are deemed advanced enough and fully qualified to become Members of the League, making no distinction on account of race or nationality.

On that occasion I called the attention of the Commission to the fact that, the race question being a standing grievance which might become acute and dangerous at any moment, it was desirable that a provision dealing with the subject should be made in this Covenant. We did not lose sight of the many and varied difficulties standing in the way of a full realization of this principle, but these were not insurmountable, I said, if sufficient importance were attached to the consideration of serious

¹⁾ "Times", April 30th, 1919.

misunderstandings between different peoples, which might grow to an uncontrollable degree. It was hoped that the matter would be taken in hand on such an opportunity as the present, when what was deemed impossible before was about to be accomplished. Further, I made it unmistakably clear that the question being of a very delicate and complicated nature, involving the play of deep human passion, the immediate realization of the ideal equality was not proposed, but that the clauses presented enunciated the principle only and left the actual working of it in the hands of different Governments concerned ; that, in other words, the clause was intended as an invitation to the Governments and peoples concerned to examine the question more closely and seriously and to devise in a fair and accomplishing spirit means to meet it.

Attention was also called to the fact that—the League being, as it were, a world organization of insurance against war—in cases of aggression nations suitably placed must be prepared to defend the territorial integrity and political independence of a fellow member—that this meant that a national of a State member must be ready to share military expenditure for the common cause, and, if needs be sacrifice his own person. In view of these new duties, I remarked, arising before him as a result of his country entering the League, each national would naturally feel, and in fact demand, that he be placed on an equal footing with the people whom he undertakes to defend, even with his own life. The proposed amendment, however, was not adopted by the Commission.

On Februari 14th, when the Draft Covenant was reported at a Plenary Session of the Conference without the insertion of our amendment, I had the privilege of expressing our whole-hearted sympathy and readiness to contribute our utmost to any and every attempt to found and secure an enduring peace of the world. At the same time I made a reservation that we would again submit our proposition for the consideration of the Conference at an early opportunity.

At the meeting of the Commission on April 10th I proposed the insertion in the Preamble of the Covenant of a phrase endorsing the principle of equality of nations and the just treatment of their nationals.¹⁾ But this proposal again failed to be adopted by unanimity, although it obtained, may I be permitted to say, a clear majority in its favour.

This modified form of amendment was the outcome of an attempt to conciliate the view-points of different nations.

Now that it has been decided by the Commission that our amendment, even in its modified form, would not be included in the Draft Covenant,

¹⁾ See p. 27.

I feel constrained to revert to our original proposal and to avail myself of this occasion to declare clearly our position in regard to this matter.

The principle we desire to see acted upon in future relationship between nations was set forth in our original amendment as follows:

"The equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord, as soon as possible, to all alien nationals of States Members of the League equal and just treatment in every respect, making no distinction, either in law or in fact, on account of their race or nationality."

It is our firm conviction that the enduring success of this great undertaking will depend much more on the hearty espousal of loyal adherence that the various peoples concerned would give to the noble ideals underlying the organization than on the acts of the respective Governments that may change from time to time. In an age of democracy peoples themselves must feel that they are the trustees of this work, and to feel so they must first have a sure basis of close harmony and mutual confidence.

If just and equal treatment is denied to certain nationals it would have the significance of a certain reflection on their quality and status. Their faith in the justice and righteousness which are to be the guiding spirit of the future international intercourse between the Members of the League may be shaken and such a frame of mind, I am afraid, would be most detrimental to that harmony and cooperation upon which foundation alone can the League now contemplated be securely built. It was solely and purely from our desire to see the League established on a sound and firm basis of goodwill, justice, and reason that we have been compelled to make our proposal. We will not, however, press for the adoption of our proposal at this moment.

In closing, I feel it my duty to declare clearly on this occasion that the Japanese Government and people feel poignant regret at the failure of the Commission to approve of their just demand for laying down a principle aiming at the adjustment of this long-standing grievance, a demand that is based upon a deep-rooted national conviction. They will continue in their insistence for the adoption of this principle by the League in future."

After M. HYMANS (Belgium)¹⁾ had i. a. expressed his regret that Belgium had been passed, in regard to the choice of the Seat of the League, and M. JUAN ANTONIO BUERO (Uruguay)²⁾ had announced

¹⁾ Protocole N°. 5, p. 8.

²⁾ Protocole N°. 5, p. 9.

his perfect accord with the League of Nations Covenant, M. LÉON BOURGEOIS (France)¹⁾ proposed two amendments to Arts. VIII and IX of the Covenant. He explained the principles upon which these were founded, in the following terms :

„La Délégation française a présenté à la Commission de la Société des Nations deux amendements sur les articles VIII et IX du projet de Convention ; ces amendements n'ayant pas été adoptés, elle a réservé son vote sur ces deux articles en même temps que son droit de saisir la Conférence plénière elle-même des deux textes dont j'ai l'honneur de vous rappeler ici les termes :

Art. VIII. Les Hautes Puissances Contractantes résolues à se donner franche et pleine connaissance mutuelle de l'échelle de leurs armements et de leurs programmes militaires et navals ainsi que des conditions de leurs industries susceptibles de s'adapter à la guerre, institueront une Commission chargée des constatations nécessaires.

Art. IX. Un organe permanent sera constitué pour prévoir et préparer les moyens militaires et navals d'exécution des obligations que la présente Convention impose aux Hautes Puissances Contractantes et pour en assurer l'efficacité immédiate dans tous les cas d'urgence.

Il a fallu que nous attachions une signification très importante à ces amendements pour que nous en ayons jugé indispensable la discussion publique.

Ils touchent en effet non point seulement à un détail d'application des principes de la Société des Nations, mais à l'interprétation de ces principes eux-mêmes et, de leur adoption ou de leur rejet, peuvent résulter pour l'avenir de l'institution internationale, des conséquences très étendues.

Lorsque l'opinion universelle a été saisie, sur la haute initiative de M. le Président WILSON, du problème que nous discutons aujourd'hui, trois conceptions distinctes ont paru se dégager des controverses ouvertes sur ce sujet.

Les uns rêvaient la création d'une véritable souveraineté internationale : un Parlement, un pouvoir exécutif communs étaient institués, ils recevaient le droit d'édicter toute une législation internationale. Ce n'était rien de moins que l'abdication de la souveraineté de chacun des États.

D'autres, au contraire, demandaient que la liberté la plus grande fût laissée à chaque Nation ; le règlement des conflits par la voie pacifique n'était point rendu obligatoire ; aucune sanction efficace n'était prononcée

¹⁾ Protocole N°. 5, p. 10.

contre l'État qui manquerait aux engagements consentis. On comptait surtout sur l'influence morale que l'opinion universelle exercerait, grâce aux délibérations publiques du Conseil international pour déterminer le libre consentement de chacun à l'exécution des mesures recommandées au nom de tous.

Il y avait lieu de craindre qu'une telle conception n'aboutît qu'à des résultats inefficaces et que l'allègement des charges écrasantes que la paix armée fait peser sur le monde ne fût définitivement ajourné.

La France avait étudié un projet dans lequel on s'efforçait de tenir compte de ce qu'il y avait de pratique et de réalisable dans les deux tendances extrêmes que nous venons de résumer.

Pour nous, la souveraineté de chacun des États n'est pas une notion absolue. Suivant la parole de M. le Président WILSON : „Il ne peut y avoir de Paix sans concessions ni sacrifices”. Comme la liberté de l'individu à l'intérieur des États, la souveraineté d'un État est, aux yeux du Droit, limitée par l'égale souveraineté des autres et l'institution internationale doit avoir pour objet de préciser cette limite, de la fixer équitablement sur la base d'une mutuelle réciprocité et de faire admettre par tous certaines garanties et certaines sanctions pour que la Convention librement acceptée par tous soit fidèlement exécutée par tous.

La Commission de la Société des Nations ayant pris pour base de ses discussions le projet de Covenant présenté par M. le Président WILSON, la Délégation française ne pouvait agir que par voie d'amendement pour essayer de faire pénétrer plus complètement dans les divers articles de la Convention les principes dont elle avait pris l'initiative et la responsabilité. Elle est heureuse de constater que, sur la plupart des points, l'accord s'est unanimement établi.

L'article X garantit contre toute agression extérieure l'intégrité territoriale et l'indépendance politique de tous les Membres de la Société et le Conseil doit aviser aux moyens d'assurer l'exécution de cette obligation.

L'article XII établit l'obligation pour tous les Membres de soumettre tout différend pouvant survenir entre eux à l'arbitrage ou à l'examen du Conseil. Si un État voulait recourir à la guerre sans avoir suivi cette procédure ou après l'avoir suivie, prendre les armes soit avant l'expiration des délais fixés pour la sentence arbitrale ou pour la décision du Conseil, soit dans les trois mois qui suivront cette sentence ou cette décision, cet Etat, en vertu de l'article XVI, serait *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres États.

Tous les États adhérents s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de Pacte ; en même

temps, il serait du devoir du Conseil d'indiquer aux divers Gouvernements intéressés les contingents militaires ou navals qu'ils devront respectivement fournir pour constituer la force internationale.

En outre, le projet de Convention groupe fort heureusement (art. XXIII) autour du système politique et juridique de la Société des Nations tout un ensemble de règles destinées à assurer le développement des intérêts internationaux, qu'il s'agisse de la protection du travail humain, de la répression de la vente des femmes ou des enfants, du trafic de l'opium, de la liberté des communications et du transit, de la lutte contre les maux sociaux. Ces relations mutuelles et constantes établies entre les peuples ne peuvent que contribuer à développer, puissamment entre leurs intérêts matériels et moraux, cette solidarité consciente qui est une des meilleures garanties de la Paix.

Devant cet ensemble de dispositions, nous désirons sincèrement pouvoir donner notre adhésion au projet de Pacte. Mais il est du devoir de la Délégation française de signaler les points sur lesquels lui apparaissent de graves lacunes de la Convention.

Une première observation générale est nécessaire. L'objet essentiel de la Société des Nations est d'assurer le maintien de la Paix. Or, même dans les cas prévus par les articles X et XII que nous avons cités, où des sanctions sont reconnues nécessaires, il n'y a pas obligation réelle pour les États à fournir leurs contingents militaires ; il ne s'agit que d'un engagement moral qui, lui, n'est pas sanctionné.

Dans tous les autres cas, il n'est pas possible de dire que le recours aux armes soit condamné ; quand un État aura suivi la procédure obligatoire et se sera soumis à tous les délais, il pourra procéder militairement contre l'État avec lequel il est en conflit.

Enfin, lorsqu'il s'agit des différends soumis, non à l'arbitrage, mais au Conseil — et l'on sait que ce cas sera le plus fréquent, puisque l'arbitrage n'est pas obligatoire, et que, même lorsqu'il s'agit de cas d'ordre juridique, il suffit que l'une des parties choisisse le recours au Conseil pour que celui-ci soit et reste saisi — l'interdiction de recourir aux armes, n'existe que si le Conseil est unanime. Dans tous les cas où il n'y a qu'une majorité, même considérable, le Pacte ne joue plus, et, suivant un des paragraphes de l'article XV, chacun des États reprend sa liberté. Il peut aider par les armes l'État ou les États qu'il entend soutenir : c'est tout le système des alliances qui continue alors à jouer avec l'agrément de la Société des Nations.

Aujourd'hui, il est vrai, a été déposé un amendement à l'article V qui atténue les effets de cette disposition, et aux termes duquel la majorité peut suffire pour l'application de certaines clauses prévues par le Traité de paix. C'est un progrès que nous accueillons avec empressement.

Ardemment animée du désir de voir enfin assurée la création de la Société des Nations et résolue à aller, pour y parvenir, aussi loin que sa conscience le lui permettrait, la Délégation française n'a pas hésité, malgré leurs lacunes, à accepter les dispositions précédentes du projet soumis à la Conférence.

Elle a compris qu'il n'y avait là qu'une étape vers une organisation complète et ces insuffisances de la Convention ne sont, en effet, redoutables que si les États qui chercheraient à en profiter ont assez de force pour résister à la volonté commune. Une condition est suffisante, mais elle est indispensable : il faut que la force militaire manque aux récalcitrants.

La limitation *effective* des armements est la condition suprême de la Paix. C'est parce qu'il n'était pas encore possible d'introduire dans les statuts de la Société des Nations l'interdiction absolue du recours à la guerre, que nous avons considéré les moyens de rendre pratiquement ce recours à peu près impossible. La France a dû concentrer son effort sur la question de la limitation rigoureuse des armements, elle a voulu réaliser cette pensée de M. le Président WILSON : „Il faut créer une force tellement supérieure que pas une Nation ou une combinaison probable de Nations ne puisse lui résister.”

Il faut enlever aux États qui seraient tentés de violer le Droit et la Paix les moyens de perséverer dans leurs projets. Il faut leur interdire d'en espérer le succès.

Pour que la force internationale s'imposant par sa seule présence n'ait pas besoin d'être mise en mouvement, pour que la guerre soit réellement évitée au monde, deux conditions sont nécessaires ; et ce sont ces deux conditions que proposent de fixer nos deux amendements.

Par le premier, nous entendons assurer la limitation réelle, effective, permanente des armements. L'article VIII du projet reconnaît que le maintien de la paix exige cette réduction, mais il n'en fait pas une obligation stricte pour tous les Membres de la Société ; chaque Gouvernement reste libre d'accepter ou de refuser, sans aucune menace de sanction, le plan de réduction proposé par le Conseil. De plus, si un Gouvernement, tout en acceptant en principe cette réduction, s'y dérobe en fait et secrètement, aucun moyen n'est offert à la Société pour constater cette violation.

Il faut, pour que cette limitation soit réelle et effective, que la vérification soit possible. Dans une pensée de transaction, à laquelle nous rendons hommage, il a bien été proposé d'admettre qu'en *cas de soupçons*, on pourra procéder à une enquête sur place, mais il y a dans la déclaration même de soupçons, alors qu'aucune preuve ne peut être fournie, un danger grave et une cause de conflit : formuler un soupçon contre la loyauté

d'un des États associés c'est un acte que celui-ci considérera comme non amical ; le point d'honneur se trouvera aussitôt engagé, c'est un risque de rupture dans la Société elle-même. Un système de vérification mutuelle qui ne met en doute la bonne foi de personne en particulier, c'est une règle commune acceptée par tous dans l'intérêt de tous, qui peut seule permettre, sans froissement et sans vexation, de constater la réalité des faits. Nul ne pourra prononcer une accusation tant que les faits n'auront pas permis de la justifier. D'ailleurs, la proposition transactionnelle qui nous était faite sur l'article VIII était subordonnée à cette condition que l'amendement français à l'article IX serait en même temps supprimé. Nous ne pouvions évidemment abandonner ainsi un des deux points essentiels de notre pensée.

Par notre second amendement, nous ne demandons pas, comme on l'a dit, la création d'un État-Major international, préparant de sa propre initiative des opérations éventuelles. L'article IX prévoit l'existence d'une Commission permanente chargée de donner au Conseil son avis sur l'exécution des articles I et VIII, et, d'une façon générale, sur les questions militaires et navales. C'est à cette Commission elle-même que nous demandons, en somme, de donner des attributions sans lesquelles son rôle risquera presque toujours d'être inefficace.

La Commission de l'article IX sera nécessairement composée d'experts militaires. Elle recevra de tous les États associés les renseignements concernant leurs effectifs, leurs armements, etc. ; elle aura, par conséquent, en main et tenue à jour, toute la documentation indispensable, au cas où le Conseil reconnaîtrait la nécessité d'une opération militaire.

Nous demandons qu'elle soit chargée de prévoir et de préparer les mesures que le Conseil devra prescrire. Nous demandons qu'elle puisse, ayant envisagé à l'avance les risques de conflits possibles, soumettre sans retard au Conseil et permettre à celui-ci de proposer aux Gouvernements les mesures d'urgence sans lesquelles la sécurité des États faibles et pacifiques sera toujours en péril. Cette Commission ne pourra, nous le répétons, travailler que sur les instructions du Conseil ; ses études seront toujours dirigées dans un sens purement défensif.

On a été jusqu'à dire que ce serait un organe de guerre inacceptable dans une ligue formée pour la Paix, qu'il pourrait y maintenir et y développer l'esprit de lutte et de conquête. Si cet esprit devait reprendre une force nouvelle, ce serait bien plutôt dans les États-Majors particuliers de certains États, dans l'atmosphère passionnée des groupements rivaux. Au siège de la Société des Nations, c'est un autre esprit qui prévaudra, et la collaboration des représentants militaires des Membres de la Société, leurs relations mutuelles, leur travail en commun sur des problèmes dont l'objet essentiel sera toujours le maintien de la Paix, tout contribuera à

développer chez eux l'esprit d'entente qui doit être celui de la force internationale et par eux à répandre dans toutes les armées ce même esprit, ces mêmes sentiments d'estime réciproque et de solidarité.

Il n'y a donc rien dans ces deux amendements qui puisse porter atteinte à la dignité d'un État, ou mettre en danger l'esprit de Paix qui doit animer la Société des Nations.

Si nous n'avons pas obtenu de la Commission le vote de ces articles, nous pouvons dire que nous ne les présentons pas cependant au nom de notre seul pays.

De grandes Associations se sont formées chez tous les peuples alliés pour défendre et pour propager le principe de la Société des Nations. Dans les deux réunions que ces Associations ont tenues à Paris et à Londres, toutes, unanimement, anglaise, américaine, italienne, belge, roumaine, yougo-slave, chinoise, ont formellement adopté nos propositions. Plusieurs des États neutres dont les Délégués ont été convoqués à Paris pour une consultation officieuse ont appuyé les propositions françaises ou présenté des amendements analogues. De nombreux groupements anglais : le "Labour Party" et les "Trade Unions" dans la Conférence spéciale qu'ils ont tenue au début d'avril pour examiner le plan de la Société des Nations, ont réclamé le contrôle des armements. Enfin, c'est M. ELIHU Root, le grand jurisconsulte américain, qui propose à l'article IX l'addition suivante :

„La Commission aura pouvoir d'inspecter et de vérifier tous les armements, équipements, munitions, industries de guerre, fixés par l'article VIII.”

Nous nous rallierions volontiers à ce texte et accepterions même de réunir ce premier amendement à notre second amendement dans l'article IX.

La question de la forme et de la rédaction nous est, bien entendu, tout à fait indifférente : c'est l'idée même que nous avons en vue de faire triompher.

Nous croyons avoir avec nous, dans l'opinion publique qui tient essentiellement à supprimer les risques de la guerre, l'appui d'innombrables adhérents. On a dit avec juste raison que la plus grande force sur laquelle puisse s'appuyer la Société des Nations, c'est celle de l'opinion publique.

Comment celle-ci sera-t-elle avertie et pourra-t-elle agir si des mesures préalables de contrôle et de préparation ne sont point édictées, si la mauvaise volonté ou la mauvaise foi d'un État peut surprendre brusquement dans leur sécurité les Nations respectueuses de la loi commune et si l'intervention de la puissance internationale risque de se produire tardivement. Lorsque nous demandons ces garanties complémentaires, nous croyons ajouter une condition de plus à toutes celles que le projet de Pacte a si heureusement réunies pour assurer la Paix du monde.

Ce que nous redouterions le plus pour l'institution internationale, c'est

qu'elle apparût un jour inefficace et impuissante. Ce n'est pas à la minute présente qu'il est possible de la juger.

Elle est actuellement désirée par tous les esprits généreux. L'horreur du spectacle que nous a donné la guerre, sans précédents et sans merci, qui s'achève, fait aujourd'hui battre d'indignation tous les cœurs. On peut dire que l'âme humaine, sur tous les points du monde, aspire à cette certitude que de pareilles horreurs ne pourront désormais se renouveler et l'heure est par conséquent favorable pour armer puissamment l'institution tutélaire à laquelle on veut confier la défense de la civilisation. Mais les générations qui viendront après nous et qui n'auront pas eu le spectacle direct des atroces souffrances que vient d'éprouver une partie de l'humanité seront moins sensibles que nous le sommes nous-mêmes, et l'idée de la guerre n'apparaîtra peut-être pas sous un jour aussi odieux à ceux qui, n'en ayant pas connu les épouvantables désastres, se laisseront entraîner de nouveau vers les idées d'ambition, de conquête et de gloire: alors des dangers peuvent naître et une catastrophe nouvelle peut se déchaîner.

Or, n'oublions pas que tout conflit entre deux États sur un point quelconque de la terre est désormais appelé à se généraliser comme s'est généralisée la guerre dernière et à mettre en péril le monde entier.

Quelle responsabilité serait celle des auteurs de la grande Charte si, par quelque défaut de prévoyance, par l'absence de quelques garanties faciles à procurer, par le refus de quelques sacrifices, ils avaient augmenté, fût-ce dans la plus faible mesure, les risques d'une telle catastrophe !

Rappelons-nous les paroles éloquentes de M. le Président WILSON. Le 26 mai 1917, il disait, parlant de l'heure de la victoire :

„Pas plus alors que maintenant, nous ne pouvons nous permettre d'être faibles, d'omettre une seule des garanties nécessaires à la justice et à la sécurité.”

Et quelle était la garantie qu'il exigeait avant toutes autres ? : „La question des armements, disait-il le 27 janvier 1917, est de toutes les questions pratiques la plus immédiate et la plus urgente pour les destinées futures des nations et de l'humanité. Des accords seuls ne peuvent assurer la Paix; il sera absolument nécessaire qu'une force soit créée, garantissant la permanence de l'accord, une force tellement supérieure à celle de toutes les Nations actuellement engagées ou à celle de toutes alliances jusqu'ici formées ou projetées, que pas une Nation, pas une combinaison probable de Nations, ne puisse l'affronter ni lui résister.”

Nos amendements n'ont pas d'autre objet que de réaliser pratiquement la même pensée.

Nous parlons au nom de tous les États pacifiques, au nom surtout de tous les petits États qui n'auront jamais la force nécessaire pour résister

à eux seuls à une première agression ; au nom de ceux dont la situation géographique et la nature des frontières rendent l'avenir toujours incertain, si quelque règle supérieure ne les protège pas puissamment.

On a pensé et on a dit qu'en défendant ces amendements la France défendait surtout presque exclusivement, la cause de la France, et nous n'avons pas, en effet, hésité à montrer comme un exemple le péril que pourrait encore courir cette frontière de notre pays dont le Président WILSON a dit qu'elle était la frontière même de la liberté du monde.

Mais ce n'est là qu'un exemple, et la France, fût-elle protégée par la plus forte ceinture de montagnes, ou protégée par l'Océan tout entier, protégée par les alliances les plus solides, pensant non à elle seule, mais à tous, tiendrait le même langage et formulerait les mêmes propositions.

Nous ne parlons pas seulement au nom de nos régions envahies et dévastées, qui ne peuvent être une fois encore exposées à cette ruine, et qu'il faudra tant d'années pour relever et pour faire revivre ; il en est bien d'autres en Belgique, en Serbie, en Italie, qui ont eu le même sort, bien d'autres qui pourraient le subir dans ces États rappelés à la liberté par la victoire du Droit et dont les forces naissantes veulent être efficacement protégées.

Nous ne parlons pas seulement, nous, Français, au nom de nos dix-sept cent mille morts, mais au nom des morts innombrables tombés pour le Droit sur tous les fronts d'Europe, et qui ont voulu que leurs enfants et les enfants de leurs enfants soient mis, par tous les moyens dont dispose la volonté humaine, à l'abri de semblables hécatombes.

Y-a-t-il donc dans les garanties que nous demandons un sacrifice que les Membres de la Société des Nations puissent trouver excessif ? „La Société des Nations,” a dit le Président WILSON à notre Chambre des Députés, „la France la voit, non seulement comme une nécessité pour elle-même, mais comme une nécessité pour le genre humain, et elle sait que les sacrifices qui peuvent être nécessaires à l'établissement de la Société des Nations, n'ont rien qui puisse être comparé aux sacrifices qui deviendraient nécessaires si elle n'avait pas la Société des Nations ; un peu d'abandon de son indépendance d'action ne peut pas être mis en parallèle avec l'incessante menace d'une autre catastrophe.”

Ce n'est pas la France qui se refusera aux sacrifices nécessaires ; je voudrais que nous fussions unanimes à y consentir. L'œuvre que nous avons entreprise, ce ne sont pas les Gouvernements qui sont ici représentés, ce sont les peuples eux-mêmes qui la jugeront en dernier ressort. Réfléchissons sur ce problème et ne nous décidons qu'après être descendus au plus profond de notre conscience.”

M. L. L. KLOTZ (France), in the following speech, suggested that the draft of a financial section of the League should be referred to the League of Nations :¹⁾

„Sur le Bureau de la Conférence de la Paix, lors de la séance plénière tenue le 25 janvier, j'ai eu l'honneur de déposer le projet d'une section financière de la Société des Nations.

Ce projet a été renvoyé à l'étude de la Commission financière qui en admit le principe à l'unanimité, et, dans sa séance du 28 février, en a confié l'examen à la Sous-Commission chargée d'étudier les problèmes interalliés.

Le rapport de M. MONTAGU, représentant l'Empire britannique, accepté à l'unanimité le 26 mars par la Sous-Commission, a été soumis à la Commission financière réunie en séance plénière.

Celle-ci, dans sa séance du 5 avril, a adopté à l'unanimité le rapport, qu'elle a envoyé au Conseil Suprême interallié.

Le Comité spécial chargé de reviser le rapport de la Commission et de présenter ses conclusions au Conseil des Présidents a joint à son rapport général favorable le texte adopté par la Commission financière.

Conformément à la décision du Conseil des Présidents, prise à la séance du 26 avril, je vous demande d'ordonner le renvoi à la Société des Nations.”

After M. BURGOS (Panama)²⁾ had given the reasons why the Panama delegation gave its cordial approbation to the Covenant, M. BONILLA (Honduras)³⁾ proposed an amendment to the effect of giving a definition of the Monroe doctrine, mentioned in Art. XXI of the Covenant, and delivered the following speech :

„La Délégation du Honduras propose qu'au moment de sauvegarder ou de mentionner la doctrine de Monroe dans le Pacte de la Société des Nations, il soit ajouté ce qui suit :

«Cette doctrine, que les États-Unis d'Amérique ont maintenue depuis l'année 1823, date à laquelle elle fut proclamée par le Président MONROE, signifie que toutes les Républiques de l'Amérique ont droit à leur existence indépendante, sans qu'aucune Nation puisse acquérir par la conquête une partie quelconque de leur territoire, ni intervenir dans leur Gouvernement ou administration intérieurs, ni effectuer un autre acte pouvant porter atteinte à leur autonomie, ou blesser leur dignité nationale, mais elle ne s'oppose pas à ce que les pays de

¹⁾ Protocole N°. 5, p. 16.

²⁾ Protocole N°. 5, p. 16.

³⁾ Protocole N°. 5, p. 21.

l'Amérique latine puissent se confédérer ou s'unir sous une autre forme, dans la recherche de la meilleure manière de réaliser leur destinée.»

Dans la séance privée qui eut lieu le 16 avril, et à laquelle furent convoqués les Délégués des Nations qui ne sont pas intervenues dans la rédaction du Traité préliminaire de Paix, il nous fut communiqué qu'une Conférence générale serait convoquée pour le 25 de ce mois, en vue de prendre connaissance des bases dudit Traité, avant qu'elles soient soumises aux représentants de l'Allemagne, convoqués à Versailles pour le jour suivant.

En raison de la brièveté du temps disponible, il fut déclaré qu'il ne serait pas possible de donner intégralement lecture du projet, et que celle-ci serait limitée aux points les plus importants. Je crois que cette limitation n'aura aucun inconvénient, pour les Délégués d'entre nous qui ne connaissent pas le projet, en ce qui concerne les arrangements territoriaux et les autres points dans lesquels les pays que nous représentons ne sont pas directement intéressés. J'ai pleine confiance que les stipulations relatives à ces points seront conformes à la justice, seule base sûre d'une paix stable, et qu'en même temps les précautions nécessaires seront prises en vue d'éviter la répétition de la catastrophe mondiale qu'a impliquée la guerre qui vient de finir.

D'après des informations publiées par la presse, on a incorporé dans le Traité préliminaire de Paix le Pacte de la Société des Nations, en considérant cela comme le meilleur moyen d'assurer la stabilité de la paix.

Ce pacte intéresse directement toutes les Nations représentées à la Conférence et surtout, si c'est possible, les petites Nations comme celle que je représente. Les bases rédigées par la Commission nous sont connues; mais la presse a annoncé que des modifications y ont été introduites, et notamment un amendement proposé par la Délégation nord-américaine, déclarant que le Pacte n'affecte pas la validité d'autres conventions internationales, comme les traités d'arbitrage, ou d'ententes régionales, comme la doctrine de Monroe, pour assurer le maintien de la Paix.

La doctrine de Monroe intéresse directement les Républiques de l'Amérique latine; et, comme elle n'a jamais été inscrite dans un document international, qu'elle n'a pas été expressément acceptée par les Nations de l'Ancien et du Nouveau Continent, et qu'elle a été définie et appliquée de différentes manières par les hommes d'État et les Présidents des États-Unis d'Amérique, j'estime nécessaire que dans le Pacte qu'on s'efforce de conclure, elle soit définie avec une entière clarté, de telle manière qu'à l'avenir elle puisse faire partie du droit international écrit.

La Délégation nord-américaine est présidée par le très honorable WOODROW WILSON; et il est certain que, si elle n'a pas défini la doctrine de

Monroe dans le document où elle la mentionne, elle a eu présente à l'esprit la définition qu'en a donnée M. WILSON comme Président des États-Unis, dans ses divers discours depuis celui de Mobile en 1913 jusqu'aux plus récents de l'année actuelle. Dans ces discours, il a déclaré que cette doctrine est, non pas une menace, mais une garantie pour les Nations plus faibles que l'Amérique et il a désavoué expressément les interprétations par lesquelles on a parfois voulu voir dans cette doctrine la source d'une sorte de tutelle, que les États-Unis auraient le droit d'exercer sur les autres Républiques américaines. Dans son discours aux journalistes mexicains, en date du 7 juin 1918, il a déclaré tout spécialement que la doctrine de Monroe implique une garantie en faveur des pays les plus faibles, non seulement à l'égard des Nations de l'Ancien Continent, mais aussi par rapport aux États-Unis, et il a parlé à cet effet de la conclusion d'un Pacte pan-américain, ce qui peut être effectué en insérant ce Pacte dans celui qui est en discussion. En raison de ces déclarations, le Président WILSON est l'homme qui a le mieux exposé l'idéal des peuples du Continent américain.

Toutes ces considérations me portent à présenter la proposition ci-jointe qui, je l'espère, méritera d'être bien accueillie par la Délégation des États-Unis et sera appuyée par celles des Républiques de l'Amérique latine, qui ainsi payeront leur tribut d'admiration et de respect au premier magistrat de la Nation Nord-Américaine, lequel a donné tant de preuves de son amour de la justice.

Je présente ci-joint quelques paragraphes du beau discours aux journalistes mexicains que nous avons mentionné.¹⁾

Si l'amendement américain auquel je me suis référé est rédigé dans les termes publiés, ou d'autres semblables, le Pacte de la Société des Nations ne sera pas un obstacle à ce que les peuples de l'Amérique latine, puissent se confédérer ou s'unir sous une autre forme tendant à la réalisation du rêve de Bolivar.

Je veux faire une dernière déclaration : en souscrivant au nom du Honduras au Pacte en projet, je fais d'avance la réserve expresse, pour mon pays, du droit que sa constitution lui accorde de s'unir à une ou plusieurs autres des Nations de l'isthme de l'Amérique centrale en vue de reconstruire ce qui a été, pendant quelque temps, la République de l'Amérique centrale ; et je fais cette réserve expresse parce que cette union constitue le plus bel idéal du patriotisme dans cette région et qu'il ne doit subsister aucun doute sur le droit qu'elle a de se réaliser."

¹⁾ Added as a note to the Protocol.

M. PICHON (France) made the following statement concerning the two amendments introduced by M. LÉON BOURGEOIS :¹⁾

„Avant qu'il soit statué sur le Pacte soumis aux délibérations de la Conférence, je demande au nom de la Délégation française, à faire une déclaration qui se rapporte aux deux amendements développés tout à l'heure par M. LÉON BOURGEOIS :

«Le Gouvernement de la République française exprime sa satisfaction de trouver, dans le projet de convention relatif à la Société des Nations, la consécration de l'effort qui a toujours été le sien depuis les Conférences de La Haye pour l'organisation du Droit et de la Paix,

Affirme sa confiance, que la Société des Nations deviendra de plus en plus l'instrument nécessaire des relations entre les peuples,

Rappelle que, pour fortifier cet instrument, ses Délégués ont présenté, relativement au contrôle des armements et aux sanctions, deux amendements qui leur paraissent nécessaires,

Accepte, dans l'esprit de solidarité qui a présidé à la rédaction de la Convention, le projet soumis à la Conférence, avec le ferme espoir que l'exercice du droit d'amendement, inséré à l'article XXVI, en permettra le renforcement.»

Je voudrais en même temps faire une proposition qui se rapporte à l'Annexe no. 1, contenant la liste des États qui sont invités à accéder au Pacte.

La Délégation française demande l'inscription de la Principauté de Monaco dans la liste des États neutres qui seront appelés à accéder au Pacte de la Société des Nations.

Le Prince de Monaco a été l'un des serviteurs les plus fidèles et les plus dévoués de la cause que doit représenter et faire triompher la Société des Nations. Il a participé constamment aux œuvres internationales de l'arbitrage et de la paix. Ce ne serait que justice d'admettre l'adhésion et le concours de sa Principauté, comme on l'a fait pour les autres États neutres qui ont été désignés.

S'il n'y a pas d'opposition, je demande qu'on ajoute à la liste de ces États la Principauté de Monaco.”

After an exchange of views, between M. PICHON and the President, it was decided to refer this proposition to the Council of the League of Nations.

M. AFFONSO COSTA (Portugal) made the following observations

¹⁾ Protocole N°. 5, p. 24.

on the proposition made by the President of the U. S. A., to the effect of completing Art. IV of the Covenant by the designation of four members of the Council :¹⁾

„J'ai été un peu surpris de voir présenter aujourd'hui à l'heure où allaient commencer nos travaux, la proposition de M. le Président WILSON tendant à la nomination des quatre membres du Conseil exécutif de la Société des Nations.

Nous ne pouvons, dès maintenant, désigner aucun Représentant d'un pays neutre pour faire partie du Conseil exécutif de la Société des Nations, car l'article IV du Pacte dit :

«Le Conseil exécutif se composera de Représentants des États-Unis d'Amérique, de l'Empire britannique, de la France, de l'Italie, et du Japon, ainsi que des Représentants de quatre autres États membres de la Société. La désignation de ces quatre États sera faite par l'Assemblée des Délégués suivant les principes et les conditions qu'elle jugera convenables. Jusqu'à cette désignation, les Représentants de... et de... seront membres du Conseil exécutif.»

Si demain l'Assemblée de la Société des Nations ne peut élire pour le Conseil exécutif que des Membres de la Société des Nations, aujourd'hui, nous, Conférence de la Paix, nous ne pouvons également nommer que des Membres de la Société des Nations, et je demande à la Conférence si elle considère comme Membres de la Société des Nations les pays neutres que nous avons invités à y entrer. Je pense qu'on a fait une proposition prématurée et qu'aujourd'hui nous ne pouvons nommer que quatre Délégués qui appartiennent à la Conférence de la Paix, c'est-à-dire aux États belligérants alliés et associés, et non pas à des États qui ne sont pas encore Membres de la Société des Nations.

Si, dans quelque temps, nous croyons pouvoir donner cette satisfaction à un des pays neutres qui sont seulement nos invités, mais qui seront demain nos partenaires, un des Représentants choisis aujourd'hui cédera sa place, ou alors on usera du droit que nous donne le deuxième alinéa de l'article IV d'augmenter le nombre des Membres du Conseil exécutif.

C'est une question de compétence et, en ma qualité de Président de la Délégation portugaise et aussi comme professeur de droit, je ne voudrais pas mettre mon nom et celui de la Délégation au bas d'une nomination que je considère en ce moment absolument illégitime.

La Délégation portugaise fait donc toutes ses réserves sur la désignation

¹⁾ Protocole N°. 5, p. 24.

par la Conférence de la Paix de Représentants d'un pays neutre quelconque comme Membres du Conseil exécutif de la Société des Nations.

Ce sera pour plus tard ; aujourd'hui il est encore trop tôt."

M. AFFONSO COSTA then deposited the following statement with the Bureau :

„La Délégation portugaise fait toutes ses réserves contre la désignation par la Conférence de la Paix d'un représentant de n'importe quel pays neutre comme membre du Conseil exécutif de la Société des Nations."

The President took note of M. AFFONSO COSTA's reservation, made on behalf of the Portuguese Delegation.

The proposition by the President of the U. S. A., having for its object the adoption of the Covenant of the League of Nations, together with the amendments moved in this Session, was put to the vote, and passed unanimously.¹⁾

7. COMPARISON BETWEEN THE DRAFT COVENANT AND THE FINAL TEXT.

Mr. WILSON, in his speech on April 28th, indicated the character of the changes introduced in the Draft Covenant in the weeks between February 14th and April 28th.²⁾ The President emphasized the fact that these changes were rather changes of phraseology, than changes of substance.

If one wishes to get a clear idea of the changes made, one should make a comparison between both documents, not in the French but in the English version, the preliminary documents being in English. So, in making use of the English texts we are eliminating a number of divergencies between the French text of the Draft, and the final French text, arising merely from differences in translation. We refer to the pronouncement of M. RUYSENNE :³⁾

¹⁾ At the Sixth Plenary Session of May 6th, discussion of the conditions of peace with Germany being on the agenda, the League of Nations was not discussed. M. ANDRÉ TARDIEU (France) having obtained leave to explain those conditions to the Conference, said : „La Première partie, relative à la Société des Nations, a été adoptée à la dernière séance plénière de la Conférence, et je suis enclin, pour épargner le temps de la Conférence, aujourd'hui, à ne pas donner l'analyse d'un texte qui est connu dans son entier.” (Protocole N°. 6, p. 5).

²⁾ See p. 30.

³⁾ „La Naissance de la Société des nations” in „La Paix par le Droit”, for May/June, 1919, p. 246.

„Le lecteur français pourrait être tenté de croire que le texte du 14 février a été profondément remanié. Il n'en est rien : si l'on se reporte au texte anglais, qui est l'original, la divergence avec le texte français provient principalement de différences dans la traduction, différences d'ailleurs très regrettables, qui ont déjà prêté à des malentendus. C'est ainsi que le préambule anglais, identique dans les deux textes, porte „acceptance of obligations not to resort to war”. Or le premier préambule français traduit : „l'engagement de ne pas recourir à la guerre” ; et le second : „certaines obligations de ne pas recourir à la guerre”, traduction plus conforme à l'original. Or, certains journaux ont conclu de cette différence que la Conférence avait, du 14 février au 28 avril, abandonné l'obligation de recourir dans tous les cas aux procédures pacifiques. On voit qu'il n'en est rien ; la Conférence de la Paix a, dès le premier jour, admis dans certains cas le recours à la guerre, et ce n'est pas, hélas ! ce qu'elle a fait de mieux.”

In the comparison that follows, between the Draft Covenant and the final text, we have taken for the final text, the one which appears in the Peace Treaty.

The changes between the two texts may be classified as follows :
 a) changes of phraseology ; b) changes of substance ; c) changes of which, on account of ambiguity in the original text, it is not evident whether they are substantial changes or whether they are only made to clarify the text.

We have indicated, in italics, *all* changes in which one text differs from the other, with the exception of some slight verbal changes, and excepting some changes of terms which are followed throughout the whole text such as :

“Assembly”	instead of “ <i>Body of Delegates</i> ”
“Council”	instead of “ <i>Executive Council</i> ”
“Covenant”	instead of “ <i>Constitution of the League</i> ”
“Members of the League”	instead of “ <i>High Contracting Parties</i> ”
“military, naval and air”	instead of “ <i>military and naval</i> ”

Further it should be noted that there are some slight changes between the text of the Covenant, as adopted on April 28th, and the text as incorporated in the Treaty of Versailles. We mention the following :¹⁾

¹⁾ Cf. „Message du Conseil Fédéral suisse” of August 4th, 1919, p. 296, and „Materialien betreffend die Friedensverhandlungen” Teil V, in which are published the „Aänderungen mit roter Tinte”, viz. the alterations introduced afterwards into the text of the peace conditions, submitted to the German delegation on May 7th.

Art. I, al. 2. Adjonction des mots „et aériens”. Ici comme dans divers autres articles (VIII, IX et XVI), le texte du Pacte inséré au Traité de Paix parle des forces et armements non seulement militaires et navals, mais aussi aériens.

Art. IV, al. I. L'énumération des cinq grandes puissances alliées (Etats-Unis, Grande-Bretagne, France, Italie et Japon) est, conformément à la terminologie adoptée par le Traité de Paix, remplacée par l'expression „les Principales Puissances alliées et associées”.

Art. VIII, al. 2. Au lieu de parler de „Chaque État membre”, le texte définitif parle simplement de „chaque État”.

Art. XV, al. 9. Le texte français a été plus exactement adopté au texte anglais „shall be”, par l'emploi des mots „l'Assemblée devra” (au lieu de „pourra”).

Art. XVI, al. I. „Art. XII, XIII ou XV (au lieu de „et”).

Art. XXIV, al. I. Dans le texte définitif, la phrase 2 est rédigée comme suit: „Tous autres bureaux internationaux seront placés sous l'autorité de la Société” (au lieu de „Il en sera de même de tous autres bureaux etc.”).

Alterations, additions and omissions, having in view a greater safeguarding of national sovereignty — be they substantial changes or be they for the purpose of clarifying the original text — are marked with an *.

A

DRAFT COVENANT OF FEBRUARY 14th, 1919.¹⁾

PREAMBLE.

In order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,
The powers signatory to this Covenant adopt this constitution of the League of Nations:

B

FINAL TEXT OF THE COVENANT.²⁾

PREAMBLE.

The High Contracting Parties,
In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another.
Agree to this Covenant of the League of Nations:*

¹⁾ As the official Protocol of the Conference only contains the French version, the English text is reprinted from the translation given in the "Hearings before the Committee on Foreign Relations United States Senate" 1919.

²⁾ This text is reprinted from the English White Paper Miscellaneous, No. 3 (1919) [Cmd. 151.]

Article I. (cf. B Art. II).

The action of the High Contracting Parties under the terms of this Covenant shall be effected through the instrumentality of meetings of a *Body of Delegates* representing the High Contracting Parties, of meetings at more frequent intervals of an *Executive Council*, and of a permanent international Secretariat to be established at the Seat of the League.

Article I. (cf. A Art. VII).

The original Members of the League shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion, or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval, and air forces and armaments.

Any Member of the League may, after two years notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal. *

Article II. (cf. B Art. III).

Meetings of the Body of Delegates shall be held at stated intervals and from time to time, as occasion may require, for the purpose of dealing with matters within the sphere of action of the League. Meetings of the Body of Delegates shall be held at the Seat of the League, or at such other place as may be found convenient, and shall consist of representatives of the High Contracting Parties. Each of the High Contracting Parties shall have one vote, but may have not more than three representatives.

Article III. (cf. B Art. IV).

The Executive Council shall consist of Representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States, members of the League.

The selection of these four States shall be made by the Body of Delegates on such principles and in such manner as they think fit. Pending the appointment of these Representatives of the other States, representatives of.... shall be members of the Executive Council.

Meetings of the Council shall be held from time to time as occasion may require, and at least once a year, at whatever place may be decided on, or, failing any such decision, at the Seat of the League, and any matter within the sphere of action of the League or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any Power to attend a meeting of the Council, at which matters directly affecting its interests are to be discussed, and no decision taken at any meeting will be binding on such Power unless so invited.

Article II. (cf. A Art. I).

The action of the League under this Covenant shall be effected through the instrumentality of an *Assembly* and of a *Council*, with a permanent Secretariat.

Article III. (cf. A Art. II).

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require, at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

Article IV. (cf. B Art. V).

All matters of procedure at meetings of the Body of Delegates or the Executive Council including the appointment of committees to investigate particular matters shall be regulated by the Body of Delegates or the Executive Council, and may be decided by a majority of the States represented at the meeting.

The first meeting of the Body of Delegates and of the Executive Council shall be summoned by the President of the United States of America.

Article IV. (cf. A Art. III).

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. *Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain, and Greece shall be members of the Council.*

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member * at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

Article V. (cf. B Art. VI).

The permanent Secretariat of the League shall be established at which shall constitute the seat of the League. The Secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a Secretary-General of the League, *who shall be chosen by the Executive Council.*

The Secretariat shall be appointed by the Secretary-General subject to confirmation by the Executive Council.

The Secretary-General shall act in that capacity at all meetings of the Body of Delegates or of the Executive Council.

The expenses of the Secretariat shall be borne by the States members of the League, in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article VI. (cf. B Art. VII).

Representatives of the High Contracting Parties and officials of the League, when engaged on the business of the League, shall enjoy diplomatic privileges and immunities, and the buildings occupied by the League or its officials, or by Representatives attending its meetings, shall enjoy the benefits of extra-territoriality.

Article V. (cf. A Art. IV).

*Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting. **

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

Article VI (cf. A Art. V).

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article VII. (cf. B Art. I).

Admission to the League of States not signatories to the Covenant and not named in the protocol hereto as States to be invited to adhere to the Covenant requires the assent of not less than two-thirds of the States represented in the Body of Delegates, and shall be limited to fully self-governing countries including dominions and colonies.

No State shall be admitted to the League unless it is able to give effective guarantees of its sincere intention to observe its international obligations and unless it shall conform to such principles as may be prescribed by the League in regard to its naval and military forces and armaments.

Article VIII.

The High Contracting Parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety, and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the Executive Council shall formulate plans for effecting such reduction.

The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Executive Council.

The High Contracting Parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the Executive Council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The High Contracting Parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments, and agree that there shall be full and frank interchange of information as to their military and naval programs.

Article IX.

A permanent commission shall be constituted to advise the League on the execution of the provisions of Article VIII and on military and naval questions generally.

Article VII. (cf. A Art. VI).

The Seat of the League is established at Geneva. The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

Article VIII.

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments. *

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, * the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military naval, and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

Article IX.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles I and VIII and on military, naval, and air questions generally.

Article X.

The High Contracting Parties shall undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Executive Council shall advise upon the means by which this obligation shall be fulfilled.

Article XI.

Any war or threat of war, whether immediately affecting any of the High Contracting Parties or not, is hereby declared a matter of concern to the League, and the High Contracting Parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the High Contracting Parties to draw the attention of the Body of Delegates or of the Executive Council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

Article XII. (cf. B Art. X *III* and X *V*).

The High Contracting Parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy they will in no case resort to war without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until three months after the award by the arbitrators or a recommendation by the Executive Council, and that they will not even then resort to war as against a member of the League which complies with the award of the arbitrators or the recommendation of the Executive Council.

In any case, under this Article the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

Article XIII.

The High Contracting Parties agree that whenever any dispute or difficulty shall arise between them, which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration. For this purpose the court of arbitration to which the case is referred shall be the court agreed on by the parties or stipulated in any convention existing between them. The High Contracting Parties agree that they will carry out in full good faith any award that may

Article X.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

Article XI.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article XII.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article XIII (cf. A Art. X *II*).

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for

be rendered. In the event of any failure to carry out the award the Executive Council shall propose what steps can best be taken to give effect thereto.

any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

Article XIV.

The Executive Council shall formulate plans for the establishment of a Permanent Court of International Justice and this Court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing article.

Article XIV.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.*

Article XV.

If there should arise between States members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above, the High Contracting Parties agree that they will refer the matter to the Executive Council; either party to the dispute may give notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Executive Council may forthwith direct the publication thereof.

Where the efforts of the Council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanation as may be appropriate. If the dispute has not been settled, a report by the Council shall be published, setting forth with all necessary facts and explanations the recommendation which the Council thinks just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the Council other than the parties to the dispute, the High Contracting Parties agree that they will not go to war with any party which complies with the recommendation, and that, *if any party shall refuse so to comply, the Council shall propose the measures necessary to give effect to the recommendation. If no such unanimous report can be made it shall be the duty of the majority and the privilege of the minority to issue statements, indicating what they believe to be the facts, and containing the recommendations which they consider to be just and proper.*

Article XV.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration as above the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to

The Executive Council may in any case under this Article refer the dispute to the Body of Delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In any case referred to the Body of Delegates, all the provisions of this Article, and of Article XII, relating to the action and powers of the Executive Council, shall apply to the action and powers of the Body of Delegates

the dispute which complies with the recommendations of the report.

*If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. **

*If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement. **

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article XII relating to the action and powers of the Council shall apply to the action and powers of the Assembly, *provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.*

Article XVI.

Should any of the High Contracting Parties break or disregard its covenants under Article XII, it shall thereby ipso facto be deemed to have committed an act of war against all the other members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Executive Council in such case to recommend what effective military or naval force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The High Contracting Parties agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State and that they will afford passage through their territory to the forces of any of the High

Article XVI.

Should any Member of the League resort to war in disregard of its covenants under Articles XII, XIII or XV, it shall ipso facto be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned * what effective military, naval, or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps

Contracting Parties who are co-operating to protect the covenants of the League.

to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

Article XVII.

In the event of disputes between one State member of the League and another State which is not a Member of the League, or between States not Members of the League, the High Contracting Parties agree that the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Executive Council may deem just, and upon acceptance of any such invitation, the above provisions shall be applied with such modifications as may be deemed necessary by the League.

Upon such invitation being given the Executive Council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a power so invited refusing to accept the obligations of membership in the League for the purposes of such dispute *and taking any action against a State member of the League which in the case of a State member of the League would constitute a breach of Article XIII*, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of membership in the League for the purposes of such dispute, the Executive Council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article XVIII. (cf. B Art. XXIII).

The High Contracting Parties agree that the League shall be entrusted with general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest.

Article XIX. (cf. B Art. XXIII).

To those colonies and territories which, as a consequence of the late war, have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in the constitution of the League.

Article XVII.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States, not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles XII to XVI inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, *and shall resort to war against a Member of the League*, the provisions of Article XVI shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of membership in the League for the purpose of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article XVIII. (cf. A Art. XXIII).

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Article XIX. (cf. A Art. XXIV).

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations, who by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory state as integral portions thereof, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the mandatory state shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory state shall, if not previously agreed upon by the High Contracting Parties in each case be explicitly defined by the Executive Council in a special act or charter.

The High Contracting Parties further agree to establish at the Seat of the League a mandatory commission to receive and examine the annual reports of the mandatory Powers, and to assist the League in insuring the observance of the terms of all mandates.

Article XX. (cf. B Art. XXXIII).

The High Contracting Parties will endeavour to secure and maintain fair and humane conditions of

Article XX. (cf. A Art. XXV).

The Members of the League severally agree that this Covenant is accepted as abrogating all

labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend; and to that end agree to establish as part of the organization of the League a permanent Bureau of Labour.

Article XXI. (*cf. B Art. XXXIII.*)

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the League, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914—1918.

Article XXII. (*cf. B Art. XXIV.*)

The High Contracting Parties agree to place under the *control* of the League all international bureaux already established by general treaties, if the parties to such treaties consent. Furthermore, they agree that all such international bureaux to be constituted in future shall be placed under the *control* of the League.

obligations or *understandings* inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

Article XXI.

*Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe doctrine for securing the maintenance of peace. **

Article XXII. (*cf. A Art. XIX.*)

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, *and who are willing to accept it.* * and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and

naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article XXIII. (cf. B Art. XVIII).

The High Contracting Parties agree that every treaty or international engagement entered into hereafter by any State member of the League shall be forthwith registered with the Secretary-General and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

Article XIII. (cf. A Art. XVIII, XX and XXI).

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavour to secure and maintain and humane conditions of labour for men, women, and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914—1918 shall be borne in mind;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article XXIV. (cf. A Art. XXII).

It shall be the right of the Body of Delegates from time to time to advise the reconsideration by

There shall be placed under the direction of the League all international bureaux already established

States members of the League of treaties which have become inapplicable and of international conditions of which the continuance may endanger the peace of the world.

by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article XXV. (*cf. B Art. XX.*)

The High Contracting Parties severally agree that the present Covenant is accepted as abrogating all obligations inter se which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any of the powers signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such power to take immediate steps to procure its release from such obligations.

Article XXVI.

Amendments to this Covenant will take effect when ratified by the States whose representatives compose the Executive Council and by three-fourths of the States whose representatives compose the Body of Delegates.

Article XXV.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

Article XXVI.

Amendments to this Covenant will take effect when ratified by the Members of the League whose representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

*No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League. **

8. EXPLANATORY DOCUMENTS ON THE COVENANT.

When on February 14th, 1919, the Draft Covenant was laid before the Peace Conference, no disclosures were made as to the origin of this Draft. During a long time there only existed one indication, viz. the strong analogy it presented with the General SMUTS' plan, published in December 1918.¹⁾

Some revelations, however, were made on the occasion of the hearings before the U.S. Foreign Relations Committee, in August

¹⁾ GEN. J. C. SMUTS, "The League of Nations, A practical suggestion".

and September, 1919.¹⁾ The statements made by President WILSON, Secretary LANSING, Mr. BULLITT, Chief of the Division of Current Intelligence Summaries of the American Delegation at Paris, Mr. MILLER, Legal Adviser to the American delegation reveal, the following.

In England a Committee, presided over by Lord PHILLIMORE, Privy Councillor, had been appointed to consider the League of Nations' problem. The Committee presented a Report in 1918, which contained a draft convention, including the general substance of those parts of the Covenant which are directly concerned with the settlement of international disputes.²⁾ A copy of that document was sent to President WILSON, and the President built upon it a redraft.

Then, between that time and the time of the formation of the Commission on the League of Nations, the President saw the SMUTS' plan and after he got to Paris he rewrote his original draft. He added 6 supplementary agreements, in which he embodied the additional ideas that had come to him, not only from General SMUTS' paper, but also from other discussions.

This new draft of President WILSON's, reads as follows :³⁾

PREAMBLE.

In order to secure peace, security and orderly government by the prescription of open, just, and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the Powers signatory to this Covenant and agreement jointly and severally adopt this constitution of the League of Nations.

ARTICLE I.

The action of the signatory Powers under the terms of this agreement shall be effected through the instrumentality of a Body of Delegates which shall consist of the ambassadors and ministers of the Contracting Powers accredited to H. and the Minister for Foreign Affairs of H. The meetings of the Body of Delegates shall be held at the seat of government of H. and the Minister for Foreign Affairs of H. shall be the presiding officer of the body.

¹⁾ "Hearings before the Committee on Foreign Relations United States Senate" 1919.

²⁾ Cf. "Times", March 20th, 1920.

³⁾ "Hearings", p. 1165.

Whenever the delegates deem it necessary or advisable, they may meet temporarily at the seat of government of B. or of S¹), in which case the ambassador or minister to H. of the country in which the meeting is held shall be the presiding officer *pro tempore*.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to substitute upon occasion a special representative for its regular diplomatic representative accredited to H.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any member, to discuss, either publicly or privately as it may deem best, any matter lying within the jurisdiction of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world ; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be first formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers together with representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great Powers and the other of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers ; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates upon the recommendation of the Executive Council, except those adopted in execution of any direct powers herein granted to the Body of Delegates themselves, shall have the effect of recommendations to the several governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees chosen from the Body of Delegates or consisting of specially qualified persons outside of that body, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. It shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the signatory Powers and with any govern-

¹) H = Holland, B = Belgium, S = Switzerland?

ments or agencies which may be acting as mandatories of the League of Nations in any part of the world.

ARTICLE III.

The contracting Powers unite in guaranteeing to each other political independence and territorial integrity ; but it is understood between them that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations or present social and political relationships, pursuant to the principle of self-determination, and also such territorial readjustments as may in the judgment of three-fourths of the delegates be demanded by the welfare and manifest interest of the peoples concerned, may be effected if agreeable to those peoples ; and that territorial changes may in equity involve material compensation. The Contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary.

ARTICLE IV.

H. 21. ¹⁾ The Contracting Powers recognize the principle that the establishment and maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations ; and the delegates are directed to formulate at once plans by which such a reduction may be brought about. The plan so formulated shall be binding when, and only when, unanimously approved by the governments signatory to this Covenant.

As the basis for such a reduction of armaments, all the Powers subscribing to the Treaty of Peace of which this Covenant constitutes a part hereby agree to abolish conscription and all other forms of compulsory military service, and also agree that their future forces of defence and of international action shall consist of militia or volunteers, whose numbers and methods of training shall be fixed, after expert inquiry, by the agreements with regard to the reduction of armaments referred to in the last preceding paragraph.

The Body of Delegates shall also determine for the consideration and action of the several governments what direct military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament ; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

¹⁾ The notes on the side are with reference to an earlier proposition of Col. House to the President.

The contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise or for private profit, and that there shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE V.

H. 13. The Contracting Powers jointly and severally agree that, should disputes or difficulties arise between or among them which can not be satisfactorily settled or adjusted by the ordinary processes of diplomacy, they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council of the Body of Delegates or until there has been an award by the arbitrators or a decision by the Executive Council; and that they will not even then resort to armed force as against a Member of the League of Nations who complies with the award of the arbitrators or the decision of the Executive Council.

The Powers signatory to this Covenant undertake and agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty can not be satisfactorily settled by the ordinary processes of negotiation, to submit the whole subject-matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to three arbitrators, one of the three to be selected by each of the parties to the dispute, when there are but two such parties, and the third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding voice to the arbitrators thus added in case of a tie vote among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties can not agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Body of Delegates.

On the appeal of a party to the dispute the decision of the arbitrators may be set aside by a vote of three-fourths of the delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of

the delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside the dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the other party or parties, and shall make the necessary arrangements for a full hearing, investigation, and consideration. It shall ascertain all the acts involved in the dispute and shall make such recommendations as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other Members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The decisions of the Executive Council shall be addressed to the disputants, and shall not have the force of a binding verdict. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the Members of the Executive Council to publish their several conclusions or recommendations; and such publication shall not be regarded as an unfriendly act by either or any of the disputants.

ARTICLE VI.

Should any Contracting Power break or disregard its covenants under Article V it shall thereby *ipso facto* become at war with all the Members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, so far as possible, of all financial, commercial, or personal intercourse between the subjects of the covenant-breaking State and the subjects of any other State, whether a Member of the League of Nations or not.

It shall be the privilege and duty of the Executive Council of the Body of

Delegates in such a case to recommend what effective military or naval force the Members of the League of Nations shall severally contribute, and to advise, if it should think best, that the smaller Members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to perpetual disarmament and to the regulations with regard to a peace establishment provided for new States under the terms of supplementary Article III.

ARTICLE VII.

If any Power shall declare war or begin hostilities, or take any hostile step short of war, against another Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or shall declare war or begin hostilities, or take any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators chosen and empowered as herein provided, the Contracting Powers hereby bind themselves not only to cease all commerce and intercourse with that Power but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force that may be necessary to accomplish that object.

ARTICLE VIII.

H. 5, 7. 8. Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern to the League of Nations and to all the Powers signatory hereto, and those Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the nations signatory or adherent to this Covenant to draw the attention of the Body of Delegates to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The delegates shall meet in the interest of peace whenever war is rumoured or threatened, and also whenever the delegate of any Power shall inform the delegates that a meeting and conference in the interest of peace is advisable.

The delegates may also meet at such other times and upon such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

H. 16, 17. In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power involved hereby binds itself to endeavour to obtain the submission of the dispute to judicial decision or to arbitration. If the other Power will not agree to submit the dispute to judicial decision or to arbitration, the Contracting Power shall bring the matter to the attention of the Body of Delegates. The delegates shall in such case, in the name of the League of Nations, invite the Power not a party to this Covenant to become *ad hoc* a party and to submit its case to judicial decision or to arbitration, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or discussion shall be in all respects applicable to the dispute both in favour of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the delegates to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

H. 18. If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report, and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers shall thereupon cease all commerce and communication with that Power and shall also unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, employing jointly any force that may be necessary to accomplish that object. The Contracting Powers shall also unite in coming to the assistance of the Contracting Power against which hostile action has been taken, combining their armed forces in its behalf.

ARTICLE XI.

H. 19. In case of a dispute between States not parties to this Covenant, any Contracting Power may bring the matter to the attention of the delegates, who shall thereupon tender the good offices of the League of Nations with a view to the peaceable settlement of the dispute.

If one of the States, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League of Nations, that State shall *ad hoc* be deemed a Contracting Power. If no one of the States, parties to the dispute, shall so offer and agree, the delegates shall, through the Executive Council, of their own motion take such action and make such recommendation to their Governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

H. 22. Any Power not a party to this Covenant, whose Government is based upon the principle of popular self government, may apply to the Body of Delegates for leave to become a party. If the delegates shall regard the granting thereof as likely to promote the peace, order, and security of the world, they may act favourably on the application, and their favourable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the delegates.

ARTICLE XIII.

H. 23. The Contracting Powers severally agree that the present Covenant and convention is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers signatory hereto or subsequently admitted to the League of Nations shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

In respect of the peoples and territories which formerly belonged to Austria-Hungary, and to Turkey, and in respect of the colonies formerly under the dominion of the German Empire, the League of Nations shall be regarded as the residuary trustee with sovereign right of ultimate disposal or of continued administration in accordance with certain fundamental principles hereinafter set forth; and this reversion and control shall exclude all rights or privileges of annexation on the part of any Power.

These principles are, that there shall in no case be any annexation of any of these territories by any State either within the League or outside of it, and that in the future government of these peoples and territories the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonable applied, and all policies of administration or economic development be based primarily upon the well-considered interests of the people themselves.

II.

Any authority, control, or administration which may be necessary in respect of these peoples or territories other than their own self-determined and self-organized autonomy shall be the exclusive function of and shall be vested in the League of Nations and exercised or undertaken by or on behalf of it.

It shall be lawful for the League of Nations to delegate its authority, control, or administration of any such people or territory to some single State or organized agency which it may designate and appoint as its agent or mandatory; but whenever and wherever possible or feasible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

III.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the League in a special act or charter which shall reserve to the League complete power of supervision and of intimate control, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency, or for the substitution of some other State or agency as mandatory.

The mandatory State or agency shall in all cases be bound and required to maintain the policy of the open door or equal opportunity for all the signatories to this Covenant, in respect of the use and development of the economic resources of such people or territory.

The mandatory State or agency shall in no case form or maintain any military or naval force in excess of definite standards laid down by the League itself for the purposes of internal police.

IV.

No new State arising or created from the old empires of Austria-Hungary, or Turkey shall be recognized by the League or admitted into its

membership except on condition that its military and naval forces and armaments shall conform to standards prescribed by the League in respect of it from time to time.

As successor to the Empire, the League of Nations is empowered, directly and without right of delegation, to watch over the relations *inter se* of all new independent States arising or created out of the Empires, and shall assume and fulfil the duty of conciliating and composing differences between them with a view to the maintenance of settled order and the general peace.

V.

The Powers signatory or adherent to this Covenant agree that they will themselves seek to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions who are engaged in manual labour and that they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend.

VI.

The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

This proposal by the President, was printed and was turned over to Mr. MILLER and Mr. AUCHINCLOSS, who acted as international legal advisers. They prepared a document which contains their advice, comments, and suggestions on the subject.¹⁾

The President then, after his discussions with the leaders of the French and British Governments, took his original proposal and made certain changes in it.²⁾

A subsequent American draft was laid before the Commission on the League of Nations, instituted by the Plenary Conference of January 25th. The full text of this draft is inserted here:³⁾

PREAMBLE.

In order to secure international peace and security by the acceptance of obligations not to resort to the use of armed force, by the prescription

¹⁾ "Hearings", p. 1117.

²⁾ "Hearings", p. 1214.

³⁾ "Hearings", p. 254.

of open, just and honourable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, and in order to promote international cooperation, the Powers signatory to this Covenant adopt this constitution of the League of Nations.

ARTICLE I.

The action of the Contracting Powers under the terms of this Covenant shall be effected through the instrumentality of a Body of Delegates which shall consist of the diplomatic representatives of the Contracting Powers accredited to X. and the Minister for Foreign Affairs of X. The meetings of the Body of Delegates shall be held at the seat of Government of X. and the Minister for Foreign Affairs of X shall be the presiding officer.

Whenever the Delegates deem it necessary or advisable, they may meet temporarily at the seat of government of Y. or of Z., in which case the diplomatic representative to X. of the country in which the meeting is held shall be the presiding officer pro tempore.

It shall be the privilege of any of the Contracting Powers to assist its representative in the Body of Delegates by any method of conference, counsel, or advice that may seem best to it, and also to be represented at any time by a special representative.

ARTICLE II.

The Body of Delegates shall regulate their own procedure and shall have power to appoint such committees as they may deem necessary to inquire into and report upon any matters that lie within the field of their action.

It shall be the right of the Body of Delegates, upon the initiative of any Member, to discuss, either publicly or privately as it may deem best, any matter lying within the field of action of the League of Nations as defined in this Covenant, or any matter likely to affect the peace of the world; but all actions of the Body of Delegates taken in the exercise of the functions and powers granted to them under this Covenant shall be formulated and agreed upon by an Executive Council, which shall act either by reference or upon its own initiative and which shall consist of the representatives of the Great Powers, together with the representatives drawn in annual rotation from two panels, one of which shall be made up of the representatives of the States ranking next after the Great

Powers and the others of the representatives of the minor States (a classification which the Body of Delegates shall itself establish and may from time to time alter), such a number being drawn from these panels as will be but one less than the representatives of the Great Powers; and three or more negative votes in the Council shall operate as a veto upon any action or resolution proposed.

All resolutions passed or actions taken by the Body of Delegates or by the Executive Council, except those adopted in execution of any specific powers herein granted, shall have the effect of recommendations to the several Governments of the League.

The Executive Council shall appoint a permanent Secretariat and staff and may appoint joint committees, chosen from the Body of Delegates or consisting of other specially qualified persons, for the study and systematic consideration of the international questions with which the Council may have to deal, or of questions likely to lead to international complications or disputes. The Executive Council shall also take the necessary steps to establish and maintain proper liaison both with the foreign offices of the Contracting Powers and with any Governments or agencies which may be acting as mandatories of the League in any part of the world.

ARTICLE III.

The Contracting Powers undertake to respect and to protect as against external aggression the political independence and territorial integrity of all States Members of the League.

ARTICLE IV.

The Contracting Powers recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with domestic safety and the enforcement by common action of international obligations; and the Executive Council shall formulate plans for effecting such reduction. It shall also require into the feasibility of abolishing compulsory military service and the substitution therefor of forces enrolled upon a voluntary basis and into the military and naval equipment which it is reasonable to maintain.

The Executive Council shall also determine for the consideration and action of the several governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the programme of disarmament; and these limits, when adopted, shall not be exceeded without the permission of the Body of Delegates.

The Contracting Powers further agree that munitions and implements of war shall not be manufactured by private enterprise and that there

shall be full and frank publicity as to all national armaments and military or naval programmes.

ARTICLE V.

The Contracting Powers agree that should disputes or difficulties arise between or among them which cannot be satisfactorily settled or adjusted by the ordinary processes of diplomacy they will in no case resort to armed force without previously submitting the questions and matters involved either to arbitration or to inquiry by the Executive Council and until there has been an award by the arbitrators or a recommendation by the Executive Council and that they will not even then resort to armed force as against a Member of the League of Nations who complies with the award of the arbitrators or the recommendation of the Executive Council.

The Contracting Powers agree that whenever any dispute or difficulty shall arise between or among them with regard to any question of the law of nations, with regard to the interpretation of a treaty, as to any fact which would, if established, constitute a breach of international obligation, or as to any alleged damage and the nature and measure of the reparation to be made therefor, if such dispute or difficulty cannot satisfactorily be settled by the ordinary processes of negotiation, to submit the whole subject-matter to arbitration and to carry out in full good faith any award or decision that may be rendered.

In case of arbitration, the matter or matters at issue shall be referred to arbitrators, one of whom shall be selected by each of the parties to the dispute from outside their own nationals, when there are but two such parties, and a third by the two thus selected. When there are more than two parties to the dispute, one arbitrator shall be named by each of the several parties and the arbitrators thus named shall add to their number others of their own choice, the number thus added to be limited to the number which will suffice to give a deciding vote to the arbitrators thus added in case of a division among the arbitrators chosen by the contending parties. In case the arbitrators chosen by the contending parties cannot agree upon an additional arbitrator or arbitrators, the additional arbitrator or arbitrators shall be chosen by the Executive Council.

On the appeal of a party to the dispute the decision of said arbitrators may be set aside, by a vote of three-fourths of the Delegates, in case the decision of the arbitrators was unanimous, or by a vote of two-thirds of the Delegates in case the decision of the arbitrators was not unanimous, but unless thus set aside shall be finally binding and conclusive.

When any decision of arbitrators shall have been thus set aside, the

dispute shall again be submitted to arbitrators chosen as heretofore provided, none of whom shall, however, have previously acted as arbitrators in the dispute in question, and the decision of the arbitrators rendered in this second arbitration shall be finally binding and conclusive without right of appeal.

If for any reason it should prove impracticable to refer any matter in dispute to arbitration, the parties to the dispute shall apply to the Executive Council to take the matter under consideration for such mediatory action or recommendation as it may deem wise in the circumstances. The Council shall immediately accept the reference and give notice to the parties, and shall make the necessary arrangements for a full hearing, investigation and consideration. The Council shall ascertain and as soon as possible make public all the facts involved in the dispute and shall make such recommendation as it may deem wise and practicable based on the merits of the controversy and calculated to secure a just and lasting settlement. Other Members of the League shall place at the disposal of the Executive Council any and all information that may be in their possession which in any way bears upon the facts or merits of the controversy; and the Executive Council shall do everything in its power by way of mediation or conciliation to bring about a peaceful settlement. The recommendation of the Executive Council shall be addressed to the disputants. Should the Executive Council fail to arrive at any conclusion, it shall be the privilege of the members of the Executive Council to publish their several conclusions or recommendations; and such publications shall not be regarded as an unfriendly act by any of the disputants.

The Executive Council may in any case refer the consideration of a dispute to the Body of Delegates. The consideration of the dispute shall be so referred at the request of either party to the dispute. In any case referred to the Body of Delegates all the provisions of this Article relating to the action and powers of the Executive Council shall apply to the action and powers of the Body of Delegates.

ARTICLE VI.

Should any Contracting Power be found by the League to have broken or disregarded its covenants under Article V, it shall thereby *ipso facto* be deemed to have committed an act of war against all the Members of the League, which shall immediately subject it to a complete economic and financial boycott, including the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the

prevention, so far as possible, of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Executive Council in such a case to recommend what effective military or naval force the Members of the League shall severally contribute, and to advise, if it should think best, that the smaller Members of the League be excused from making any contribution to the armed forces to be used against the covenant-breaking State.

The covenant-breaking State shall, after the restoration of peace, be subject to the regulations with regard to a peace establishment provided for new States under the terms supplementary Article IV.

ARTICLE VII.

If any Contracting Power shall be found by the League to have declared war or to have begun hostilities or to have taken any hostile step short of war against another Contracting Power before submitting the dispute involved to arbitrators or consideration by the Executive Council as herein provided, or to have declared war or to have begun hostilities or to have taken any hostile step short of war, in regard to any dispute which has been decided adversely to it by arbitrators, the Contracting Powers hereby engage not only to cease all commerce and intercourse with that Power, but also to unite in blockading and closing the frontiers of that Power to commerce or intercourse with any part of the world and to use any force which may be agreed upon to accomplish that object.

ARTICLE VIII.

Any war or threat of war, whether immediately affecting any of the Contracting Powers or not, is hereby declared a matter of concern of the League and to all the Contracting Powers, and the Contracting Powers hereby reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the Contracting Powers to draw the attention of the Body of Delegates or of the Executive Council to any circumstances anywhere which threaten to disturb international peace or the good understanding between nations upon which peace depends.

The Body of Delegates and the Executive Council shall meet in the interest of peace whenever war is rumoured or threatened, and also whenever the representative of any Power shall inform the Body of Delegates that a meeting and conference in the interest of peace is advisable.

The Body of Delegates may also meet at such other times and upon

such other occasions as they shall from time to time deem best and determine.

ARTICLE IX.

In the event of a dispute arising between one of the Contracting Powers and a Power not a party to this Covenant, the Contracting Power shall bring the matter to the attention of the Executive Council. The Executive Council shall in such a case, in the name of the League, invite the Power not a party to this Covenant to become *ad hoc* a party, and if that Power consents it is hereby agreed that the provisions hereinbefore contained and applicable to the submission of disputes to arbitration or to consideration shall be in all respects applicable to the dispute both in favour of and against such Power as if it were a party to this Covenant.

In case the Power not a party to this Covenant shall not accept the invitation of the Executive Council to become *ad hoc* a party, it shall be the duty of the Executive Council immediately to institute an inquiry into the circumstances and merits of the dispute involved and to recommend such joint action by the Contracting Powers as may seem best and most effectual in the circumstances disclosed.

ARTICLE X.

If hostilities should be begun or any hostile action taken against the Contracting Power by the Power not a party to this Covenant before a decision of the dispute by arbitrators or before investigation, report and recommendation by the Executive Council in regard to the dispute, or contrary to such recommendation, the Contracting Powers engage thereupon to cease all commerce and communication with that Power and also to unite in blockading and closing the frontiers of that Power to all commerce or intercourse with any part of the world, and to employ jointly any force which may be agreed upon to accomplish that object. The Contracting Powers also undertake to unite in coming to the assistance of the Contracting Power against which hostile action has been taken and to combine their armed forces in its behalf.

ARTICLE XI.

In case of a dispute between states not parties to this Covenant, any Contracting Power may bring the matter, to the attention of the Body of Delegates or the Executive Council, who shall thereupon tender the good offices of the League with a view to the peaceable settlement of the dispute.

If one of the States, a party to the dispute, shall offer and agree to submit its interests and cause of action wholly to the control and decision of the League, that State shall *ad hoc* be deemed a Contracting

Power. If no one of the states, parties to the dispute, shall so offer and agree, the Body of Delegates shall through the Executive Council or of its own motion take such action and make such recommendation to the Governments as will prevent hostilities and result in the settlement of the dispute.

ARTICLE XII.

Any Power not a party to this Covenant, whose Government is based upon the principle of popular self-government, may apply to the Body of Delegates for leave to become a party. If the Body of Delegates shall regard the granting thereof as likely to promote the peace, order, and security of the World, they shall act favourably on the application, and their favourable action shall operate to constitute the Power so applying in all respects a full signatory party to this Covenant. This action shall require the affirmative vote of two-thirds of the Body of Delegates.

ARTICLE XIII.

The Contracting Powers severally agree that the present Covenant is accepted as abrogating all treaty obligations *inter se* which are inconsistent with the terms hereof, and solemnly engage that they will not enter into any engagements inconsistent with the terms hereof.

In case any of the Powers, signatory hereto or subsequently admitted to the League shall, before becoming a party to this Covenant, have undertaken any treaty obligations which are inconsistent with the terms of this Covenant, it shall be the duty of such Power to take immediate steps to procure its release from such obligations.

SUPPLEMENTARY AGREEMENTS.

I.

To the colonies formerly part of the German Empire, and to those territories formerly belonging to Turkey which include Armenia, Kurdistan, Syria, Mesopotamia, Palestine and Arabia, which are inhabited by peoples not able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle, that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the League.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position,

can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the League.

The character of the mandate must differ according to the stage of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

II.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory Power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory Power.

Other peoples, especially those of Central Africa, are at such a stage, that the mandatory must be responsible for the administration of the territory subject to conditions which will guarantee the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the Islands in the South Pacific, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical contiguity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as if integral portions thereof, subject to the safeguards above-mentioned in the interests of the indigenous population.

III.

In every case of mandate, the mandatory State shall render to the League an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State or agency shall in each case be explicitly defined by the Executive Council in a special Act or Charter which shall reserve to the League complete power of supervision, and which shall also reserve to the people of any such territory or governmental unit the right to appeal to the League for the redress or correction of any breach of the mandate by the mandatory State or agency or for the substitution of some other State or agency, as mandatory.

The object of all such tutelary oversight and administration on the

part of the League of Nations shall be to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own affairs, determine its own connections, and choose its own policies. The League may at any time release such people or territory from tutelage and consent to its being set up as an independent unit. It shall also be the right and privilege of any people or territory to petition the League to take such action, and upon such petition being made it shall be the duty of the League to take the petition under full and friendly consideration with a view of determining the best interests of the people or territory in question in view of all circumstances of their situation and development.

IV.

No new State shall be recognized by the League or admitted into its membership except on condition that its military and naval forces and armament shall conform to standards prescribed by the League in respect of it from time to time.

V.

The Contracting Powers will work to establish and maintain fair hours and humane conditions of labour for all those within their several jurisdictions and they will exert their influence in favour of the adoption and maintenance of a similar policy and like safeguards wherever their industrial and commercial relations extend. Also they will appoint Commissions to study conditions of industry and labour in their international aspects and to make recommendations thereon, including the extension and improvement of existing conventions.

VI.

The League shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, and the Executive Council shall exact of all States seeking admission to the League, the promise to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people.

VII.

Recognizing religious persecution and intolerance as fertile sources of war, the Contracting Powers agree, and the League shall exact from all new States and all States seeking admission to it the promise that they will make no law prohibiting or interfering with the free exercise of

religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief whose practices are not inconsistent with public order or public morals.

VIII.

When the rights of belligerents on the high seas outside territorial waters shall have been defined by international convention, it is hereby agreed and declared as a fundamental Covenant that no Power or combination of Powers shall have a right to overstep in any particular the clear meaning of the definitions thus established; but that it shall be the right of the League from time to time and on special occasions to close the seas in whole or in part against a particular Power or Powers for the purpose of enforcing the international Covenants here entered into.

IX.

It is hereby covenanted and agreed by the Contracting Powers that no treaty entered into by them shall be regarded as valid, binding, or operative until it shall have been published and made known to all the other States Members of the League.

X.

It is further covenanted and agreed by the Contracting Powers that in their fiscal and economic regulations and policy no discrimination shall be made between one nation and another among those with which they have commercial and financial dealings.

Other drafts were submitted to the Commission, viz. one from Great Britain, one from France, and one from Italy.

The draft from Great Britain has not yet been published. It is supposed, however, to have been very much like the plan of General SMUTS, which therefore is reprinted here in full :¹⁾

1. That in the vast multiplicity of territorial, economic and other problems with which the Conference will find itself confronted it should look upon the setting up of a League of Nations as its primary and basic task, and as supplying the necessary organ by means of which most of those problems can find their only stable solution. Indeed, the Conference should regard itself as the first or preliminary meeting of the League, intended to work out its organization, functions and programme.

¹⁾ Gen. J. C. Smuts, "The League of Nations, A practical suggestion".

2. That, so far at any rate as the peoples and territories formerly belonging to Russia, Austria-Hungary and Turkey are concerned, the League of Nations should be considered as the reversionary in the most general sense and as clothed with the right of ultimate disposal in accordance with certain fundamental principles. Reversion to the League of Nations should be substituted for any policy of national annexation.

3. These principles are: firstly, that there shall be no annexation of any of these territories to any of the victorious Powers, and secondly, that in the future government of these territories and peoples the rule of self-determination, or the consent of the governed to their form of government, shall be fairly and reasonably applied.

4. That any authority, control, or administration which may be necessary in respect of these territories and peoples, other than their own self-determined autonomy, shall be the exclusive function of and shall be vested in the League of Nations and exercised by or on behalf of it.

5. That it shall be lawful for the League of Nations to delegate its authority, control, or administration in respect of any people or territory to some other State whom it may appoint as its agent or mandatory, but that wherever possible the agent or mandatory so appointed shall be nominated or approved by the autonomous people or territory.

6. That the degree of authority, control, or administration exercised by the mandatory State shall in each case be laid down by the League in a special Act or Charter, which shall reserve to it complete power of ultimate control and supervision, as well as the right of appeal to it from the territory or people affected against any gross breach of the mandate by the mandatory State.

7. That the mandatory State shall in each case be bound to maintain the policy of the open door, or equal economic opportunity for all, and shall form no military forces beyond the standard laid down by the League for purposes of internal police.

8. That no new State arising from the old Empires be recognized or admitted into the League unless on condition that its military forces and armaments shall conform to a standard laid down by the League in respect of it from time to time.

9. That, as the successor to the Empires, the League of Nations will directly and without power of delegation watch over the relations *inter se* of the new independent States arising from the break-up of those Empires, and will regard as a very special task the duty of conciliating and composing differences between them with a view to the maintenance of good order and general peace.

10. The Constitution of the League will be that of a permanent Conference between the Governments of the constituent States for the purpose of joint international action in certain defined respects, and will not derogate from the independence of those States. It will consist of a General Conference, a Council, and Courts of Arbitration and Conciliation.

11. The General Conference, in which all constituent States will have equal voting power, will meet periodically to discuss matters submitted to it by the Council. These matters will be general measures of international law or arrangements or general proposals for limitation of armaments for securing world-peace, or any other general resolutions, the discussion of which by the Conference is desired by the Council before they are forwarded for the approval of the constituent Governments. Any resolutions passed by the Conference will have the effect of recommendations to the national Governments and Parliaments.

12. The Council will be the executive committee of the League, and will consist of the Prime Ministers or Foreign Secretaries or other authoritative representatives of the Great Powers, together with the representatives drawn in rotation from two panels of the Middle Powers and the Minor States respectively, in such a way that the Great Powers have a bare majority. A minority of three or more can veto any action or resolution of the Council.

13. The Council will meet periodically, and will, in addition, hold an annual meeting of Prime Ministers or Foreign Secretaries for a general interchange of views, and for a review of the general policies of the League. It will appoint a permanent Secretariat and Staff, and will appoint joint committees for the study and co-ordination of the international questions with which the Council deals, or questions likely to lead to international disputes. It will also take the necessary steps for keeping up proper liaison, not only with the Foreign Offices of the constituent Governments, but also with the authorities acting on behalf of the League in various parts of the world.

14. Its functions will be :

- a. To take executive action or control in regard to the matters set forth in Section A¹⁾ or under any international arrangements or conventions ;
- b. To administer and control any property of an international character, such as international waterways, rivers, straits, railways, fortifications, air stations, etc.
- c. To formulate for the approval of the Governments general measures of international law, or arrangements for limitation of armaments or promotion of world peace.

15. That all the States represented at the Peace Conference shall agree to the abolition of Conscription or compulsory military service ; and that their future defence forces shall consist of militia or volunteers, whose numbers and training shall, after expert inquiry, be fixed by the Council of the League.

16. That while the limitation of armaments in the general sense is impracticable, the Council of the League shall determine what direct military equipment and armament is fair and reasonable in respect of the scale of forces laid down under paragraph 15, and that the limits fixed by the Council shall not be exceeded without its permission.

17. That all factories for the manufacture of direct weapons of war shall be nationalized and their production shall be subject to the inspection of the officers of the Council ; and that the Council shall be furnished periodically with returns of imports and exports of munitions of war into or from the territories of its members, and as far as possible into or from other countries.

18. That the Peace Treaty shall provide that the Members of the League bind themselves jointly and severally not to go to war with one another

- a. without previously submitting the matter in dispute to arbitration, or to inquiry by the Council of the League ; and
- b. until there has been an award, or a report by the Council ; and
- c. not even then as against a Member which complies with the award, or with the recommendation (if any) made by the Council in its report.

19. That the Peace Treaty shall provide that if any Member of the League breaks its covenant under paragraph 18, it shall *ipso facto*

¹⁾ Section A of General Smuts' pamphlet is entitled "The position and powers of the League".

become at war with all the other Members of the League, which shall subject it to complete economic and financial boycott, including the severance of all trade and financial relations and the prohibition of all intercourse between their subjects and the subjects of the covenant-breaking State, and the prevention, as far as possible, of the subjects of the covenant-breaking State from having any commercial or financial intercourse with the subjects of any other State, whether a Member of the League or not.

While all Members of the League are obliged to take the above measures, it is left to the Council to recommend what effective naval or military force the Members shall contribute, and, if advisable, to absolve the smaller Members of the League from making such contribution.

The covenant-breaking State shall after the restoration of peace be subject to perpetual disarmament and to the peaceful regime established for new States under paragraph 8.

20. That the Peace Treaty shall further provide that if a dispute should arise between any Members of the League as to the interpretation of a treaty, or as to any question of international law, or as to any fact which if established would constitute a breach of any international obligation, or as to any damage alleged and the nature and measure of the reparation to be made therefore, and if such dispute cannot be settled by negotiation, the Members bind themselves to submit the dispute to arbitration and to carry out any award or decision which may be rendered.

21. That if on any ground it proves impracticable to refer such dispute to arbitration, either party to the dispute may apply to the Council to take the matter of the dispute into consideration. The Council shall give notice of the application to the other party and make the necessary arrangements for the hearing of the dispute. The Council shall ascertain the facts with regard to the dispute and make recommendations based on the merits, and calculated to secure a just and lasting settlement. Other Members of the League shall place at the disposal of the Council all information in their possession which bears on the dispute. The Council shall do its utmost by mediation and conciliation to induce the disputants to agree to a peaceful settlement. The recommendations shall be addressed to the disputants and shall not have the force of decisions. If either party threatens to go to war in spite of the recommendations, the Council shall publish its recommendations. If the Council fails to arrive at recommendations, both the majority and the minority on the Council may publish statements of the respective recommendations they favour, and such publication shall not be regarded as an unfriendly act by either of the disputants.

Besides this there existed a plan by Lord ROBERT CECIL, containing no definite articles, but general principles only, which reads as follows : ¹⁾

I.

ORGANIZATION.

The general treaty setting up the League of Nations will explicitly provide for regular conferences between the responsible representatives of the Contracting Powers.

These conferences would review the general conditions of international relations and would naturally pay special attention to any difficulty which might seem to threaten the peace of the world. They would also receive and as occasion demanded discuss reports as to the work of any international administrative or investigating bodies working under the League.

These conferences would constitute the pivot of the League. They would be meetings of statesmen responsible to their own sovereign parliaments, and any decisions taken would therefore, as in the case of the various allied conferences during the war, have to be unanimous.

The following form of organization is suggested :

1. The conference. — Annual meeting of prime ministers and foreign secretaries of the British Empire, United States, France, Italy, Japan and any other States recognized by them as great Powers. Quadrennial meeting of representatives of all States included in the League. There should also be provisions for the summoning of special conferences on the demand of any one of the great Powers or, if there were danger of an outbreak of war, of any Member of the League. (The composition of the League will be determined at the Peace Conference. Definitely untrustworthy and hostile States, e.g., Russia, should the Bolshevik government remain in power, should be excluded. Otherwise it is desirable not to be too rigid in scrutinizing qualifications, since the small Powers will in any case not exercise any considerable influence).

2. For the conduct of its work the interstate conference will require a permanent Secretariat. The General Secretary should be appointed by the great Powers, if possible choosing a national of some other country.

3. International bodies. — The Secretariat would be the responsible channel of communication, between the interstate conference and all international bodies functioning under treaties guaranteed by the League. These would fall into three classes :

¹⁾ "Hearings", p. 1163.

- (a) Judicial; i.e., the existing Hague organization with any additions or modifications made by the League.
- (b) International administrative bodies. Such as the suggested transit commission. To these would be added bodies already formed under existing treaties (which are very numerous and deal with very important interests, e.g., postal union, international labour office, etc.).
- (c) International commissions of inquiry; e.g., commission on industrial conditions (labour legislation), African commission, armaments commission.

4. In addition to the above arrangements guaranteed by or arising out of the general treaty, there would probably be a periodical congress of delegates of the parliaments of the States belonging to the League, as a development out of the existing Interparliamentary Union. A regular staple of discussion for this body would be afforded by the reports of the interstate conference and of the different international bodies. The congress would thus cover the ground, that is at present occupied by the periodical Hague Conference and also the ground claimed by the Socialist International.

For the efficient conduct of all these activities it is essential that there should be a permanent central meeting-place, where the officials and officers of the League would enjoy the privileges of extraterritoriality. Geneva is suggested as the most suitable place.

II.

PREVENTION OF WAR.

The covenants for the prevention of war which would be embodied in the general treaty would be as follows:

(1) The Members of the League would bind themselves not to go to war until they had submitted the questions at issue to an international conference or an arbitral court, and until the conference or court had issued a report or handed down an award.

(2) The Members of the League would bind themselves not to go to war with any Member of the League complying with the award of a court or with the report of a conference. For the purpose of this clause, the report of the conference must be unanimous, excluding the litigants.

(3) The Members of the League would undertake to regard themselves, as *ipso facto*, at war with any one of them acting contrary to the above covenants, and to take, jointly and severally, appropriate military, economic and other measure against the recalcitrant State.

(4) The members of the League would bind themselves to take similar action, in the sense of the above clause, against any State not being a Member of the League which is involved in a dispute with a Member of the League and which does not agree to adopt the procedure obligatory on Members of the League.

The above covenants mark an advance upon the practice of international relations previous to the war in two respects: (1) In insuring a necessary period of delay before war can break out (except between two States which are neither of them Members of the League); (2) In securing public discussion and probably a public report upon matters in dispute.

It should be observed that even in cases where the conference report is not unanimous, and therefore in no sense binding, a majority report may be issued and that this would be likely to carry weight with the public opinion of the States in the League.

The French plan has not yet been published. Some indications as to its contents may perhaps be found in the principles adopted by the French commission instituted by M. RIBOT on July 22nd, 1917, under the presidency of M. BOURGEOIS¹⁾.

The Italian delegation also had a draft of its own.²⁾ This Italian draft is reproduced in the review „I Diritti dei Popoli”, for September, 1919, and reads *in extenso* as follows:³⁾

PRÉAMBULE.

I. Tous les Etats sont égaux en droit; les inégalités de fait ne peuvent être invoquées pour justifier tout acte, omission ou prétention inconciliable avec le respect des droits d'autrui et avec l'accomplissement des devoirs internationaux de chacun.

¹⁾ For the report of this Commission, under date of June 8th, 1918, see SCELLE „Le Pacte des Nations et sa liaison avec le Traité de Paix”, p. 447 and BOURGEOIS „Le Pacte de 1919 et la Société des Nations”, p. 197; for the composition of the Commission, the review „La Paix organisée”, for April 15th 1918.

²⁾ On March 21st, 1918, an official Commission was instituted to study after-war-problems, one section of which dealt with the League of Nations' problem. Three schemes for a League of Nations drafted by different members of this section were presented together to the Italian Government. (Rivista di Diritto Internazionale, Vol. VII. Fasc. III—IV).

³⁾ This French translation is reprinted from „La Paix des Peuples”, March 25th, 1919, p. 376.

Les Etats les plus avancés sont tenus de prêter leur assistance, sous la surveillance de la Société des Nations, pour assurer un gouvernement régulier aux pays qui n'ont pas encore pu atteindre un degré de civilisation suffisant et pour en favoriser le progrès.

II. Tout acte ou prétention qui implique une diminution ou une menace pour l'indépendance politique ou pour l'intégrité territoriale d'un Etat, est en contradiction avec les principes sur lesquels repose la Société internationale.

III. Chaque Etat a le droit de participer, au commerce et au trafic internationaux dans des conditions d'égalité juridique. Les restrictions douanières, sanitaires ou autres de nature analogue, que chaque Etat peut imposer en obéissant à une nécessité qui lui est propre ne sont pas en contradiction avec cette liberté, ni avec cette égalité.

IV. La navigation est libre pour les navires marchands de tout pavillon. Les droits de souveraineté sur les eaux territoriales et sur les ports ne peuvent pas être exercés de façon à compromettre l'essence de cette liberté.

V. La distribution internationale des denrées et des matières premières, nécessaires à l'alimentation et à l'industrie doit être disciplinée de façon à assurer à chaque pays les conditions indispensables à son existence et à son travail.

VI. Les mesures visant la protection des droits et des intérêts des travailleurs seront fixées et appliquées dans chaque pays sans distinction de nationalité. Ne sont pas considérées en contradiction avec cette égalité de traitement, les limitations que chaque Etat peut imposer à l'exercice de métiers déterminés de la part de sujets étrangers et à l'emploi de la main-d'œuvre étrangère pour des travaux déterminés.

VII. Aucun Etat ne peut se dégager des obligations assumées par un traité international, en dehors du terme prévu ou sans le consentement de toutes les Parties contractantes, sauf le recours aux organes compétents pour résoudre les controverses qui pourraient dériver du dissensément des parties.

VIII. On ne pourra stipuler des Conventions internationales secrètes.

Les Etats contractants s'engagent à garantir dans leurs rapports réciproques l'application de ces principes, à sauvegarder et à poursuivre les intérêts communs conformément au mêmes principes, moyennant :

a) La constitution et le fonctionnement d'organes internationaux spé-

ciaux, en conformité avec les règles spéciales appropriées aux différents buts qu'il s'agit d'atteindre ;

b) La détermination de procédures spéciales conçues en vue de prévenir et de résoudre tous les conflits qui pourraient surgir entre les Etats contractants ;

c) La sanction de mesures coercitives destinées à réprimer toute violation des accords conclus entre les Etats, conformément à cet acte.

Et pour traduire en actes dès à présent, autant que les circonstances le permettent, les intentions ainsi manifestées, les Etats contractants conviennent ce qui suit :

DISPOSITIONS GÉNÉRALES.

Article premier. — Les Etats contractants s'engagent :

a) à résoudre les controverses de toute espèce qui pourraient surgir entre eux, selon les dispositions du présent acte ;

b) à respecter et à exécuter de bonne foi les décisions qui seront prononcées en conformité avec le présent acte ;

c) à s'abstenir d'appliquer l'un contre l'autre des moyens de coercition, sauf dans les cas et dans les termes prévus au Titre IV du présent acte.

Les Etats s'engagent en conséquence à réduire leurs forces armées de toute espèce dans les limites nécessaires d'après les dispositions qui seront fixées dans un protocole spécial.

Art. 2. — Toute convention que les Etats signataires de cet acte, ou les Etats qui ont adhéré à cet acte, pourraient conclure en contradiction avec les principes formulés dans le préambule ou avec les règles contenues dans les articles suivants, sera nulle et de nul effet.

La nullité et l'inefficacité seront déclarées à la demande de chaque Etat intéressé, dans les formes prévues par le Titre II du présent acte.

TITRE PREMIER.

RÈGLEMENT ET ADMINISTRATION DES INTÉRÊTS COMMUNS.

Art. 3. Les représentants de tous les Etats contractants se réuniront en des conférences périodiques, dans la ville de pour procéder d'un commun accord à la détermination progressive des règles de droit international ainsi qu'à l'examen et à la discussion des problèmes généraux d'intérêt commun.

Chaque Conférence fixera la date de la réunion suivante.

Art. 4. — Chaque Etat prendra part avec une voix aux délibérations des Conférences, mais il pourra s'y faire représenter par plusieurs Délégués, dont le nombre ne pourra être supérieur à trois.

Les propositions qui auront obtenu au moins les deux tiers des voix favorables des Etats représentés à la Conférence seront considérées comme acceptées, à moins qu'il ne soit disposé autrement dans le présent acte.

Art. 5. — Un Conseil composé d'un représentant pour chacune des Puissances qui ont pris l'initiative de cet acte et qui sont indiquées dans le préambule et de quatre représentants des autres puissances contractantes, choisis par chaque Conférence, ainsi que d'un nombre égal de membres suppléants, choisis par les mêmes procédés, pour remplacer les membres effectifs en cas d'absence ou d'empêchement, se réunira généralement tous les ans et toutes les fois que les circonstances pourront le requérir afin de traiter les affaires générales d'intérêt commun qui demandent ou qui exigent des décisions plus rapides.

Le Conseil élit chaque année, dans son sein au scrutin secret et à la majorité des voix, un président et un vice-président ; au cas de partage de voix, le doyen d'âge est considéré comme élu au second tour de scrutin.

Art. 6. — Par les soins et sous la dépendance du Conseil, un Secrétariat permanent (Bureau) sera organisé et siégera à....

Le bureau devra aussi coordonner, autant qu'il sera nécessaire les décisions des Conférences, en garder les actes et recueillir les documents relatifs à l'application des délibérations adoptées.

Art. 7. — Un „Comité économique”, un „Comité du travail”, et un „Comité militaire” seront organisés sous la dépendance du Conseil et selon les règles qu'il jugera plus utiles. Au „Comité économique” appartiendra l'élaboration des données pour la résolution des problèmes internationaux concernant les matières économiques et financières, en vue de préparer une coordination progressive et harmonieuse des intérêts de chaque pays en ce domaine.

Le „Comité du travail” rassemblera les éléments et formulera les propositions utiles à la protection des travailleurs et à la résolution des problèmes internationaux les concernant ; il donnera son avis dans tous les différends internationaux dérivant de l'interprétation ou de l'application des traités de travail entre les Parties contractantes.

Le „Comité militaire”, rassemblera les matériaux et proposera les mesures qui peuvent servir à résoudre les problèmes de caractère militaire propres à intéresser la Société des Nations.

Art. 8. — Les Unions, les Instituts et les Bureaux internationaux constitués en vue de sauvegarder et d'administrer des intérêts communs dé-

terminés rentrent dans l'organisation générale de la Société des Nations, régie par le présent acte.

Rien n'est changé en ce qui concerne les Etats ne participant pas à cette organisation.

Art. 9. — Lorsque les circonstances l'exigeront, pour la réalisation des principes formulés dans le préambule et à toute autre fin propre à être atteinte en forme collective, l'on procédera à la constitution d'autres organes internationaux entre les Parties contractantes ou quelques-unes d'entre elles, selon les dispositions que l'on jugera les plus utiles.

TITRE II.

SOLUTION DES CONFLITS INTERNATIONAUX.

Chapitre premier.

Conseil d'enquête et de conciliation.

Art. 10. — Tout différend surgissant entre les Parties contractantes, qu'il n'aura pas été possible de régler par des négociations à l'amiable, devra être soumis, en principe, à un jugement d'arbitrage. Si les Parties ne se mettent pas d'accord pour organiser ce jugement, le différend sera déféré sur la demande même d'une seule Partie au Conseil dont il est question à l'article 5. Le Conseil, s'étant adjoint un représentant de chacune des Parties en litige, dans le cas où chacune des Parties ne serait pas déjà représentée dans son sein, fonctionnera dans ce cas en qualité de „Conseil d'enquête et de conciliation.” Si dans le délai qui leur sera indiqué, une des Parties contractantes n'avait pas procédé à la nomination de son représentant, le Conseil procédera sans lui.

Art. 11. — Les représentants, qui seront en fonction au moment où le Conseil sera saisi d'une contestation, continueront de faire partie du Conseil pour examiner cette affaire, même si, dans l'intervalle, leur mandat venait à expirer et n'était pas renouvelé.

La présidence du Conseil ne peut être attribuée au représentant de l'un des Etats intéressés dans le litige. Le Président sera remplacé, le cas échéant, par le Vice-Président et celui-ci par le représentant le plus ancien au point de vue de la date de la nomination et, dans le cas d'ancienneté égale, par le représentant le plus âgé.

Art. 12. — L'Etat qui compte saisir le Conseil adressera à celui-ci une demande contenant l'exposition du litige et ses propres demandes.

Aussitôt qu'il aura été saisi de la demande, le Conseil en ordonnera la communication aux autres Etats intéressés et fixera à chacun un terme convenable pour présenter ses remarques et ses contre-propositions.

Art. 13. — Le Conseil fera tels essais et telles propositions qu'il jugera utiles en vue du règlement amiable de la contestation. S'il ne juge pas opportun de faire de pareils essais ou dans le cas de leur échec, le Conseil prendra sans délai une décision en conformité avec les dispositions de l'article suivant.

Art. 14. — Si la contestation a été portée devant le Conseil par une des Parties et si l'autre ne s'est pas présentée ou a déclaré que la contestation doit être réglée par un jugement le Conseil examine le caractère du différend et s'il estime que par sa nature ou en vertu d'accords précédents auxquels il n'y pas de raison de déroger, le litige doit être résolu suivant les règles du droit international plutôt que suivant des considérations politiques ou des raisons d'équité il renvoie les Parties devant la „Cour internationale de Justice.”

Dans tous les autres cas, le Conseil tranche la question, à moins qu' étant donné l'importance et le caractère des intérêts en litige et l'ensemble des circonstances de la contestation, il ne juge utile de la déférer à la Conférence visée à l'article 3.

Art. 15. — La Conférence et le Conseil arrêtent leur procédure ; ils peuvent nommer une commission d'enquête pour certifier les faits, formuler des rogatoires pour recueillir les preuves, et demander la communication de documents, avec toutes les précautions nécessaires pour le sauvegarde de la sûreté des Etats.

Les Etats contractants s'engagent à satisfaire à pareilles requêtes.

Art. 16. — La Conférence et le Conseil prononcent leurs arrêts en s'inspirant de principes d'équité et d'opportunité politique, de façon à pouvoir assurer l'établissement de rapports justes et stables entre les Parties en litige.

Art. 17. — Les délibérations dont il est question dans ce chapitre auront plein effet lorsqu'elles seront prises à la majorité des deux tiers des votants. La minorité aura toujours le droit de formuler son vote motivé, qui sera rendu public en même temps que la décision adoptée.

Lorsque la majorité sera inférieure aux deux tiers de voix, la délibération aura la valeur d'une simple recommandation faite aux parties ; le différend pourra, en pareil cas, être déféré par le Conseil à la Conférence et par la Conférence à une Conférence ultérieure.

*Chapitre II.**Cour internationale de Justice.*

Art. 18. — Une „Cour internationale de Justice” composée de juges nommés par tous les Etats contractants est instituée à la Haye. Chaque Etat nomme un juge. La nomination est faite pour une période de six ans ; le mandat peut toujours être renouvelé.

Art. 19. — La Cour élit dans son sein, tous les deux ans, un Président et un Vice-Président ; l'élection est faite à la majorité des voix, au scrutin secret ; dans les cas d'égalité des voix au second tour le doyen d'âge est considéré élu.

Art. 20. — Le Bureau de la „Cour permanente d'Arbitrage” tel qu'il a été institué par la Convention de la Haye du 29 juillet 1899 pour le règlement pacifique des conflits internationaux sert de greffe à la „Cour internationale de Justice.”

Art. 21. — La Cour procède à sa constitution en sections, en vue de chaque jugement. La section est composée :

1. Du Président de la Cour ou en cas d'empêchement du Vice-Président ;
2. De juges choisis parmi les membres de la Cour, un pour chacune des Parties en litige ;
3. De quatre juges élus par la Cour, au scrutin secret, parmi ses membres. Chaque membre vote pour deux noms et les quatre ayant obtenu le plus grand nombre de suffrages sont considérés comme élus.

Si toutefois, étant donné le nombre des parties en conflit, la section était composée d'un nombre pair de membres, la Cour élira cinq juges et chaque membre votera pour trois noms.

En cas de partage de voix le doyen d'âge est considéré comme élu.

Si une des Parties ne nomme pas son juge, la Cour le nommera, au scrutin secret, par un vote séparé.

Art. 22. — La „Cour internationale de Justice,” est compétente pour juger :

- a) Toutes les contestations que les Parties lui soumettent d'un commun accord en vertu d'un compromis régulier.
- b) Celles qui lui sont déférées sur la demande d'une Partie seulement en cas de renvoi par le Conseil, d'après l'article 15 du présent acte, auquel cas l'existence d'un compromis n'est pas nécessaire.

Art. 23. — Si la contestation est déferrée à la Cour par voie de compromis, celui-ci doit contenir l'indication du juge choisi par chacune des Parties. Le Président convoque immédiatement la Cour qui procède à l'élection des autres juges, selon les dispositions de l'article 21.

Si la contestation est introduite sur la demande d'une Partie, cette demande contiendra la désignation du juge choisi par elle. Le Président fera notifier la demande à l'autre Partie, l'invitant à désigner le juge qu'elle aura choisi dans un terme peremptoire qui ne pourra dépasser trente jours. La désignation une fois reçue ou le terme écoulé, le Président convoque la Cour qui procède à l'élection de la manière indiquée plus haut.

Art. 24. — La section ne peut être modifiée au cours du jugement en vue duquel elle a été constituée.

Si l'un des juges vient à manquer, il sera remplacé par un autre choisi par les Parties ou élu par la Cour de la même manière que celui qu'il remplace. Le remplacement devra être fait dans le plus court délai possible et dans tous les cas pas au delà de trente jours à partir de la notification de la vacance survenue.

Art. 25. — Si le compromis ne contient pas l'indication ou, s'il n'y pas de compromis, la section fixe les règles de procédure en tenant compte des circonstances spéciales du litige. En l'absence de dispositions dérogatoires, seront observées les règles fixées par la Convention de la Haye du 18 octobre 1907 pour le règlement pacifique des conflits internationaux, autant qu'on puisse les appliquer.

La section peut déléguer à l'un de ses membres ou à plusieurs les fonctions de juge instructeur.

Art. 26. — Les Etats contractants s'engagent à exécuter les requêtes de la „Cour internationale de Justice” dans les formes et par les moyens admis par les lois locales.

TITRE III.

DES SANCTIONS.

Art. 27. — Lorsqu'un Etat ne se conforme pas à une décision de la Conférence ou du Conseil, obligatoire d'après l'article 17, ou à une décision de la „Cour internationale de Justice”, le Conseil l'invitera à remplir les obligations qui lui ont été imposées, lui fixant, s'il est nécessaire, un terme péremptoire à cet effet.

Art. 28. — Dans le cas où ces obligations ne sont pas remplies, le Conseil délibère sur les mesures à adopter et les notifie immédiatement à tous les Etats contractants, en requérant tous ces Etats ou quelques-uns d'entre eux de pourvoir à l'exécution de ces mesures.

Les Etats requis sont tenus d'adhérer à la requête et d'accomplir tout ce qui peut assurer l'exécution desdites mesures. Le refus injustifié d'adhérer à la requisition et l'application tardive ou insuffisante de la mesure délibérée exposera l'Etat aux réclamations du Conseil qui pourra, le cas échéant, prendre contre lui les mesures appropriées conformément à l'article suivant.

Art. 29. — Les formes principales de sanction sont :

- a) Suspension des rapports diplomatiques de la part de tous les Etats contractants ;
- b) Retrait dans tous les Etats de l'exequatur accordé aux agents consulaires ;
- c) Suspension de l'application de tous les traités ou de quelques-uns ;
- d) Imposition d'une indemnité pécuniaire ou d'une prestation d'autre nature ;
- e) Saisie des biens meubles et immeubles possédés par l'Etat sur le territoire des autres Etats et refus de faire honneur à son crédit ;
- f) Défense d'accès et de séjour, expulsion, mesures de police, au détriment des sujets de l'Etat fautif ; mesures restrictives de leur activité économique et juridique ;
- g) Fermeture des ports et refus des matières premières et des denrées indispensables à la vie économique ;
- h) Exclusion de la côte officielle des titres et valeurs de l'Etat fautif ;
- i) Défense de trafic et isolement économique partiel ou total (boycottage) ;
- l) Saisie des navires et des cargaisons appartenant à l'Etat fautif ou à ses citoyens, et des marchandises à destination de cet Etat se trouvant dans les ports et dans les eaux territoriales des Etats contractants (embargo) ;
- m) Blocus maritime exécuté par les forces navales désignées à cet effet par le Conseil ;
- n) Exclusion de la Société des Nations ;
- o) Action militaire commune de la part des Etats investis d'un mandat à eux conféré par le Conseil (occupation territoriale, prise de possessions des établissements publics, etc.) ;
- p) Le Conseil pourra décider qu'il sera employé toute autre forme de coercition directe ou indirecte, qui puisse lui sembler appropriée pour vaincre la résistance de l'Etat coupable.

Art. 30. — Dans le cas où l'Etat contre lequel l'exécution forcée est dirigée, se déclare prêt à remplir les obligations qui lui sont imposées,

le Conseil pourra ordonner la révocation des mesures adoptées, sauf dans tous les cas la faculté d'assurer de la manière la plus appropriée, l'accomplissement effectif de l'engagement pris par l'Etat coupable, et la réparation des dommages de sa part.

Art. 31. — Dans le cas où l'une des Parties contractantes viole l'obligation dont il est question à l'article premier, en procédant à des actes d'hostilité avant la décision de la Conférence, du Conseil ou de la Cour, toutes les autres Parties contractantes se considèrent comme étant en état de guerre avec elle et auront la faculté d'intervenir, unies ou isolées, dans les formes qu'elles croiront les plus utiles à la défense de la Partie attaquée.

Le Conseil prendra d'urgence les mesures nécessaires, en conformité de l'article 28 du présent acte.

TITRE IV.

RAPPORTS AVEC LES ETATS NON CONTRACTANTS.

Art. 32. — Lorsque, entre l'un des Etats contractants et un Etat non contractant, s'élèvent des contestations qu'il n'est pas possible de résoudre par des négociations à l'amiable ou par un jugement d'arbitrage, l'Etat contractant a la faculté de saisir le Conseil, de lui demander d'interposer ses bons offices, et, dans le cas où il n'obtiendrait aucun résultat, d'inviter l'Etat non contractant à soumettre le différend à la décision du Conseil.

Si l'invitation est acceptée, on appliquera les dispositions qui précédent, comme si les deux Etats étaient des Parties engagées par ce même acte.

Art. 33. — Si l'Etat non associé n'accepte pas l'invitation, ou si des actes d'hostilité ont été commis contre l'un des Etats contractants, sans que les dispositions de l'article précédent aient été respectées, le Conseil, sur la demande de ce dernier, après avoir examiné l'objet de la contestation, décidera si, et à quelles conditions, et de quelle manière, ledit Etat doive être assisté par les autres Parties contractantes.

DISPOSITIONS FINALES.

Art. 34. — Un règlement déterminera la manière de pourvoir aux dépenses nécessaires à la constitution et au fonctionnement des organes internationaux prévus par le présent acte, les droits et les prérogatives de ceux qui y prennent part et les autres dispositions nécessaires à l'application des articles précédents.

Art. 35. — Les Etats, dont la constitution est modelée sur les principes qui sont le fondement du présent acte, pourront y adhérer, en déclarant leur intention au bureau prévu par l'article 6. Le bureau en donnera communication immédiate à toutes les Parties contractantes. Si, dans le délai de huit mois à partir de la déclaration susdite, aucune opposition n'est parvenue au bureau, l'Etat qui offre son adhésion sera considéré sans plus comme un Etat contractant.

Les remarques qui parviendront au bureau dans ce délai seront communiquées sans retard à l'Etat qui demande à adhérer et aux Parties contractantes. S'il n'est pas possible de résoudre autrement les contestations qui pourront en écouter elles feront l'objet d'une décision du Conseil dans les formes prévues par le titre II.

Art. 36. — L'adhésion implique une acceptation pleine et sans réserve de toutes les dispositions du présent acte et du règlement, ainsi que de toutes les mesures qui auront déjà été prises entre les Parties, en conformité desdites dispositions.

Art. 37. — Lorsque, vu le nombre des Puissances qui auront adhéré au présent acte ou pour tout autre motif, la Conférence le jugera opportun, le nombre des membres du Conseil constitué d'après l'article 5 pourra être modifié sans rien changer aux proportions fixées par cet article.

Art. 38. — Les ratifications du présent acte seront déposées au bureau visé à l'article 6, qui en donnera communication immédiate à toutes les Parties signataires. Le présent acte produira effet 30 jours après la date à laquelle.... parmi les Puissances signataires, y compris celles qui en ont pris l'initiative, et qui sont indiquées dans le préambule du même acte, auront déposé leurs ratifications ; pour les Puissances qui ratifieront ultérieurement, il produira effet 30 jours après le dépôt de leur ratification ; pour les Puissances adhérentes, 30 jours après la date où leur adhésion sera devenue définitive.

Mr. MILLER, legal adviser to the American, and Mr. HURST, legal adviser to the British delegation, were entrusted with the making of a composition from these various drafts, and the new draft made by them was submitted to the Commission on the League of Nations, and was ultimately adopted as a basis upon which the Commission worked to arrive at its final results.

In addition to these above documents, which may be of use as to the historical interpretation of the text of the Covenant, there are only a few other explanatory documents. There is, in the first place, the official British Commentary, which does bear, in several passages, a remarkable analogy with statements made, at various occasions, by Lord ROBERT CECIL. The Commentary reads as follows : ¹⁾

The first draft of the Covenant of the League of Nations was published on February 14th, 1919; in the weeks following its publication, the League of Nations Commission had the benefit of an exchange of views with the representatives of thirteen neutral Governments, and also of much criticism on both sides of the Atlantic. The Covenant was subjected to careful re-examination, and a large number of amendments were adopted. In its revised form it was unanimously accepted by the representatives of the Allied and Associated Powers in Plenary Conference at Paris on April 28th, 1919.

The document that has emerged from these discussions is not the Constitution of a super-State, but, as its title explains, a solemn agreement between sovereign States, which consent to limit their complete freedom of action on certain points for the greater good of themselves and the world at large. Recognizing that one generation cannot hope to bind its successors by written words, the Commission has worked throughout on the assumption that the League must continue to depend on the free consent, in the last resort, of its component States; this assumption is evident in nearly every article of the Covenant, of which the ultimate and most effective sanction must be the public opinion of the civilized world. If the nations of the future are in the main selfish, grasping, and war-like, no instrument or machinery will restrain them. It is only possible to establish an organization which may make peaceful cooperation easy and hence customary, and to trust in the influence of custom to mould opinion.

But while acceptance of the political facts of the present has been one of the principles on which the Commission has worked, it has sought to create a framework which should make possible and encourage an indefi-

¹⁾ At first a confidential character was given to this Commentary. It was elaborated by the British Delegation for the British press; it, however, was agreed, that the press should not reproduce it either as a whole or in part. According to Mr. W. H. SHEPHERDSON, Secretary of the British League of Nations' Commission, it might be considered as a good authoritative interpretation of the Covenant that would answer many questions, that were bound to come up with regard to the text". Yet it is found, in extenso, in the "Times" of April 29th, while in June, the same Commentary was published in a White paper, Miscellaneous N°. 3 (1919) [Cmd 151], entitled "The Covenant of the League of Nations with a commentary thereon".

nite development in accordance with the ideas of the future. If it has been chary of prescribing what the League shall do, it has been no less chary of prescribing what it shall not do. A number of amendments laying down the methods by which the League should work, or the action it should take in certain events, and tending to greater precision generally, have been deliberately rejected, not because the Commission was not in sympathy with the proposals, but because it was thought better to leave the hands of the statesmen of the future as free as possible, and to allow the League, as a living organism, to discover its own best lines of development.

The Members of the League.

Article I contains the conditions governing admission to the League and withdrawal from it. On the understanding that the Covenant is to form part of the Treaty of Peace, the article has been so worded as to enable the enemy Powers to agree to the constitution of the League without at once becoming members of it. It is hoped that the original Members of the League will consist of the thirty-two Allied and Associated Powers signatories of the Treaty of Peace, and of thirteen neutral States.

It is to be noted that original members must join without reservation, and must therefore all accept the same obligations.

The last paragraph is an important affirmation of the principle of national sovereignty, while providing that no State shall be able to withdraw simply in order to escape the consequences of having violated its engagements. It is believed that the concession of the right of withdrawal will, in fact, remove all likelihood of a wish for it, by freeing States from any sense of constraint, and so tending to their more whole-hearted acceptance of membership.

The Organs of the League.

Articles II—VII describe the constitutional organs of the League.

The Assembly which will consist of the official representatives of all the Members of the League, including the British Dominions and India, is the Conference of States, provided for in nearly all schemes of international organization, whether or not these also include a body of popular representatives. It is left to the several States to decide how their respective delegations shall be composed; the members need not all be spokesmen of their Governments.

The Assembly is competent to discuss all matters concerning the League, and it is presumably through the Assembly that the assent of the Governments of the world will be given to alterations and improvements in

international law (see Article XIX), and to the many conventions that will be required for joint international action.

Its special functions include the selection of the four minor Powers to be temporarily represented on the Council, the approval of the appointment of the Secretary General, and the admission (by a two-thirds majority) of new members.

Decisions of the Assembly, except in certain specified cases, must be unanimous. At the present stage of national feeling, sovereign States will not consent to be bound by legislation voted by a majority, even an overwhelming majority, of their fellows. But if their sovereignty is respected in theory, it is unlikely that they will permanently withstand a strong consensus of opinion, except in matters which they consider vital.

The Assembly is the supreme organ of the League of Nations, but a body of nearly 150 members, whose decisions require the unanimous consent of some 50 States, is plainly not a practical one for the ordinary purposes of international co-operation, and still less for dealing with emergencies. A much smaller body is required, and, if it is to exercise real authority, it must be one which represents the actual distribution of the organized political power of the world.

Such a body is found in the Council, the central organ of the League, and a political instrument endowed with greater authority than any the world has hitherto seen. In form its decisions are only recommendations, but when those who recommend include the political chiefs of all the great Powers and of four other Powers selected by the States of the world in assembly, their unanimous recommendations are likely to be irresistible.

The mere fact that these national leaders, in touch with the political situation in their respective countries, are to meet once a year, at least, in personal contact for an exchange of views, is a real advance of immense importance in international relations. Moreover, there is nothing in the Covenant to prevent their places being taken, in the intervals between the regular meetings, by representatives permanently resident at the Seat of the League, who would tend to create a common point of view, and could consult and act together in an emergency. The pressure of important matters requiring decision is likely to make some such permanent body necessary, for the next few years at least.

The fact that for the decisions of the Council, as of the Assembly, unanimity is ordinarily required, is not likely to be a serious obstacle in practice. Granted the desire to agree, which the conception of the League demands, it is believed that agreement will be reached, or at least that the minority will acquiesce. There would be little practical advantage, and a good deal

of danger, in allowing the majority of the Council to vote down one of the great Powers.

An important exception to the rule of unanimity is made by the clause in Article XV providing that, in the case of disputes submitted to the Council, the consent of the parties is not required to make its recommendations valid.

The second paragraph of Article IV allows for the admission of Germany and Russia to the Council when they have established themselves as great Powers that can be trusted to honour their obligations, and may also encourage small Powers to federate or otherwise group themselves for joint permanent representation on the Council. Provision is made for securing that such increase in the permanent membership of the Council shall not swamp the representatives of the small Powers, but no fixed proportion between the numbers of the Powers in each category is laid down.

The interests of the small Powers are further safeguarded by the fifth paragraph of Article IV. Seeing that decisions of the Council must be unanimous, the right to sit "as a member" gives the State concerned a right of veto in all matters specially interesting it, except in the settlement of disputes to which it is a party. The objection that this provision will paralyse the efforts of the Council does not seem valid, as it is most unlikely that the veto would be exercised except in extremely vital matters.

The relations between the Assembly and the Council are purposely left undefined, as it is held undesirable to limit the competence of either. Cases will arise when a meeting of the Assembly would be inconvenient, and the Council should not therefore be bound to wait on its approval. Apart from the probability that the representatives of States on the Council will also sit in the Assembly, a link between the two bodies is supplied by the Permanent Secretariat, or new international Civil Service.

This organization has immense possibilities of usefulness, and a very wide field will be open for the energy and initiative of the first Secretary General. One of the most important of his duties will be the collection, sifting and distribution of information from all parts of the world. A reliable supply of facts and statistics will in itself be a powerful aid to peace. Nor can the value be exaggerated of the continuous collaboration of experts and officials in matters tending to emphasize the unity, rather than the diversity of national interests.

The Prevention of War.

Articles VIII—XVII, forming the central and principal portion of the Covenant, contain the provisions designed to secure international confidence

and the avoidance of war, and the obligations which the members of the League accept to this end. They comprise:

- 1) Limitation of armaments.
- 2) A mutual guarantee of territory and independence.
- 3) An admission that any circumstance which threatens international peace is an international interest.
- 4) An agreement not to go to war till a peaceful settlement of a dispute has been tried.
- 5) Machinery for securing a peaceful settlement, with provision for publicity.
- 6) The sanctions to be employed to punish a breach of the agreement in 4).
- 7) Similar provisions for settling disputes where States not Members of the League are concerned.

All these provisions are new, and together they mark an enormously important advance in international relations.

Article VIII makes plain that there is to be no dictation by the Council or anyone else as to the size of national forces. The Council is merely to formulate plans, which the Governments are free to accept or reject. Once accepted, the Members agree not to exceed them. The formulation and acceptance of such plans may be expected to take shape in a general Disarmament Convention, supplementary to the Covenant.

The interchange of information stipulated for in the last paragraph of the Article will, no doubt, be effected through the Commission mentioned in Article IX. The suggestion that this Commission might be given a general power of inspection and supervision, in order to ensure the observance of Article VIII, was rejected for several reasons. In the first place, such a power would not be tolerated by many national States at the present day, but would cause friction and hostility to the idea of the League; nor, in fact, is it in harmony with the assumption of mutual good faith on which the League is founded, seeing that the Members agree to exchange full and frank information; nor, finally, would it really be of practical use. Preparations for war on a large scale cannot be concealed, while no inspection could hope to discover such really important secrets as new gases and explosives and other inventions of detail. The experience of our own Factory Acts shows what an army of officials is required to make inspection efficient, and how much may escape observation even then. In any case, the League would certainly receive no better information on such points of detail from a Commission than that obtained through their ordinary intelligence services by the several States.

Nor can the Commission fill the role of an International General Staff.

The function of a General Staff is preparation for war, and the latter requires the envisagement of a definite enemy. It would plainly be impossible for British officers to take part in concerting plans, however hypothetical, against their own country, with any semblance of reality ; and all the members of a staff must work together with complete confidence. It is further evident that no State would communicate to the nationals of its potential enemies the information as to its own strategic plans necessary for a concerted scheme of defence. The most that can be done in this direction by the Commission is to collect non-confidential information of military value, and possibly to work out certain transit questions of a special character.

In Article X the word "external" shows that the League cannot be used as a Holy Alliance to suppress national or other movements within the boundaries of the member States, but only to prevent forcible annexation from without.

It is important that this article should be read with Articles XI and XIX, which make it plain that the Covenant is not intended to stamp the new territorial settlement as sacred and unalterable for all time, but, on the contrary, to provide machinery for the progressive regulation of international affairs in accordance with the needs of the future. The absence of such machinery, and the consequent survival of treaties long after they have become out of date, led to many of the quarrels of the past ; so that the articles may be said to inaugurate a new international order, which should eliminate, so far as possible, one of the principal causes of war.

Articles XII—XVI contain the machinery for the peaceful settlement of disputes, and the requisite obligations and sanctions, the whole hinging on the cardinal agreement that a State which goes to war without submitting its ground of quarrel to arbitrators or to the Council, or without waiting till three months after the award of the former or the recommendation of the latter, or which goes to war in defiance of such award or recommendation (if the latter is agreed to by all members of the Council not parties to the disputes), thereby commits an act of war against all the other Members of the League, which will immediately break off all relations with it and resort, if necessary, to armed force.

The result is that private war is only contemplated as possible in cases when the Council fails to make a unanimous report, or when (the dispute having been referred to the Assembly) there is lacking the requisite agreement between all the members of the Council and a majority of the other States. In the event of a State failing to carry out the terms of an arbitral award, without actually resorting to war, it is left to the Council

to consider what steps should be taken to give effect to the award; no such provision is made in the case of failure to carry out a unanimous recommendation by the Council, but it may be presumed that the latter would bring pressure of some kind to bear.

In this as in other cases, not the least important part of the pressure will be supplied by the publicity stipulated for in the procedure of settlement. The obscure issues from which international quarrels arise will be dragged out into the light of day, and the creation of an informed public opinion made possible.

Article XIII, while not admitting the principle of compulsory arbitration in any class of disputes, to some extent recognizes the distinction evolved in recent years between justiciable and non-justiciable causes, by declaring that in certain large classes of disputes recourse to arbitration is *prima facie* desirable.

The Permanent Court of Justice, to be set up under Article XIV, is essential for any real progress in international law. As things now stand, the political rather than the judicial aspect of the settlement of disputes is prominent in the Covenant, but political settlements can never be entirely satisfactory or just. Ultimately, and in the long run, the only alternative to war is law, and for the enthronement of law there is required such a continuous development of international jurisprudence, at present in its infancy, as can only be supplied by the progressive judgments of a Permanent Court working out its own traditions. Isolated instances of arbitration, however successful, can never result to the same extent in establishing the reign of law.

Under Article XV a dispute referred to the Council can be dealt with by it in several ways:

- 1) The Council can keep the matter in its own hands, as it is certain to do with any essentially political question in which a powerful State feels itself closely interested.
- 2) It can submit any dispute of a legal nature for the opinion of the Permanent Court, though in this case the finding of the Court will have no force till endorsed by the Council.
- 3) While keeping the matter in its own hands, the Council can refer single points for judicial opinion.
- 4) There is nothing to prevent the Council from referring any matter to a Committee, or to prevent such a Committee from being a standing body. An opening is left, therefore, for the reference of suitable issues to such non-political bodies as the "Commissions of Conciliation" which are desired in many quarters. The reports of such committees would of course require the approval of the Council

to give them authority, but the Covenant leaves wide room for development in this direction.

5) The Council may at any time refer a dispute to the Assembly. The procedure suggested under 2) 3) and 4) will then be open to the Assembly.

It has been already pointed out that, in the settlement of disputes under this article, the consent of the parties themselves is not necessary to give validity to the recommendations of the Council. This important provision removes any inconvenience that might arise in this connection from the right (see Article IV) of every Power to sit as member of the Council during the discussion of matters specially affecting it. We may expect that any Power claiming this right in the case of a dispute will be given the option of declaring itself a party to the dispute or not. If it declares itself a party, it will lose its right of veto; if not, it will be taken to disinterest itself in the question, and will not be entitled to sit on the Council.

The sanctions of Article XVI, with the exception of the last paragraph, apply only to breaches of the Covenant involving a resort to war. In the first instance, it is left to individual States to decide whether or not such a breach has occurred and an act of war against the League been thereby committed. To wait for the pronouncement of a Court of Justice or even of the Council would mean delay, and delay at this crisis might be fatal. Any State, therefore, is justified in such a case in breaking off relations with the offending State on its own initiative, but it is probable, in fact, that the smaller States, unless directly attacked, will wait to see what decision is taken by the great Powers or by the Council, which is bound to meet as soon as possible, and is certain to do so within a few hours. It is the duty of the Council, with the help of its military and naval and air advisers, to recommend what effective force each Member of the League shall supply; for this purpose, each Member from which a contribution is required has the right to attend the Council, with power of veto, during the consideration of its particular case. The several contingents will therefore be settled by agreement as is indeed necessary if the spirit of the Covenant is to be preserved, and if joint action is to be efficacious. But it is desirable at this point to meet the objection that under such conditions the League will always be late, and consequently offers no safeguard against sudden aggression.

It is true that, in default of a strong international striking force, ready for instant action in all parts of the world, the Members of the League must make their own arrangements for immediate self-defence against any force that could be suddenly concentrated against them, relying on such understandings as they have come to with their neighbours previously

for this purpose. There is nothing in the Covenant (see Article XXI) to forbid defensive conventions between States, so long as they are really and solely defensive, and their contents are made public. They will, in fact, be welcomed, in so far as they tend to preserve the peace of the world.

To meet the first shock of sudden aggression, therefore, States must rely on their own resistance and the aid of their neighbours. But where, as in the case of the moratorium being observed, the aggression is not sudden, it is certain that those Powers which suspect a breach of the Covenant will have consulted together unofficially to decide on precautionary measures and to concert plans to be immediately put into force if the breach of the Covenant takes place. In this event these meetings of the representatives of certain Powers will develop into the Supreme War Council of the League, advised by a joint staff. Some reasons why this staff must be an *ad hoc* body, and not a permanent one, have been stated under Article VIII.

The last paragraph of Article XVI is intended to meet the case of a State which, after violating its covenants, attempts to retain its position on the Assembly and Council.

Article XVII asserts the claim of the League that no State, whether a Member of the League or not, has the right to disturb the peace of the world till peaceful methods of settlement have been tried. As in early English law any act of violence, wherever committed, came to be regarded as a breach of the King's peace, so any and every sudden act of war is henceforward a breach of the peace of the League, which will exact due reparation.

Treaties and Understandings.

Articles XVIII—XXI describe the new conditions which must govern international agreements if friendship and mutual confidence between peoples are to prevail; the first three provide that all treaties shall be 1) public, 2) liable to reconsideration at the instance of the Assembly, and 3) consonant with the terms of the Covenant. These provisions are of the very first importance.

Article XVIII makes registration, and not publication, the condition for the validity of treaties, for practical reasons, since experience shows that the number of new international agreements continually being made is likely to be so great that instant publication may not be possible; but it is the duty of the Secretariat to publish all treaties as soon as this can be done.

Article XIX should be read together with Article XI.

Article XXI makes it clear that the Covenant is not intended to abrogate or weaken any other agreements, so long as they are consistent with its own terms, into which the Members of the League may have entered, or may enter hereafter, for the further assurance of peace. Such agreements would include special treaties for compulsory arbitration, and military conventions that are genuinely defensive. The Monroe doctrine and similar understandings are put in the same category. They have shown themselves in history to be not instruments of national ambition, but guarantees of peace.

The origin of the Monroe doctrine is well known. It was proclaimed in 1823 to prevent America becoming a theatre for the intrigues of European absolutism. At first a principle of American foreign policy, it has become an international understanding, and it is not illegitimate for the people of the United States to ask that the Covenant should recognize this fact. In its essence it is consistent with the spirit of the Covenant, and indeed the principles of the League, as expressed in Article X, represent the extension to the whole world of the principles of the doctrine; while, should any dispute as to the meaning of the latter ever arise between American and European Powers, the League is there to settle it.

The Functions of the League in Peace.

Articles XXII—XXV cover the greater part of the ordinary peace-time activities of the League.

Article XXII introduces the principle, with reference to the late German colonies and territories of the Ottoman Empire, that countries as yet incapable of standing alone should be administered for the benefit of the inhabitants by selected States, in the name, and on behalf, of the League, the latter exercising a general supervision. The safeguards which enlightened public opinion demands will in each case be inserted in the text of the actual convention conferring the Mandate. No provision is made in the Covenant for the extension of such safeguards to the other similar dependencies of the Members of the League, but it may be hoped that the maintenance of a high standard of administration in the mandate territories will react favourably wherever a lower standard now exists, and the mandatory principle may prove to be capable of wide application.

The saving clause at the beginning of Article XXIII makes it clear that the undertakings following do not bind the Members of the League further than they are bound by existing or future conventions supplementary to the Covenant.

Undertaking (a) throws the aegis of the League over the Labour Convention, which itself provides that membership of the League shall carry

with it membership of the new permanent Labour organization ; (b) applies to territories not covered by Article XXII: (d) refers to the arms traffic with uncivilized and semi-civilized countries. The matters specially mentioned in this article are to be taken merely as instances of the many questions in which the League is interested. Conventions relating to some of these, such as Freedom of Transit and Ports, Waterways and Railways, are now being prepared ; with regard to a large number of others similar conventions may be expected in the future.

Article XXIV is of great importance, as it enlarges the sphere of usefulness of the Secretariat of the League to an indefinite degree. The Covenant has laid the foundations on which the statesmen and peoples of the future may build up a vast structure of peaceful international cooperation.

Amendment of the Covenant.

The provisions of Article XXVI facilitate the adoption of amendments to the Covenant, seeing that all ordinary decisions of the Assembly have to be unanimous.

The second paragraph was inserted to meet the difficulties of certain States which might fail to secure the assent of their proper constitutional authorities to an amendment agreed to by the Council and the majority of the Assembly. They are now given the option of accepting the amendment or withdrawing from the League ; but there is little doubt that if the League becomes an institution of real value, the choice will be made in favour of accepting proposals that already command such wide assent.

It is the facility of amendment ensured by this article, and the absence of restrictions on the activities of the Assembly, the Council and the Secretariat, which make the constitution of the League flexible and elastic and go far to compensate for the omissions and defects from which no instrument can be free that represents the fusion of so many and various currents of thought and interest.

Next, we mention the two summaries of the Covenant that were published successively by the Paris Conference. A survey of the contents, drawn up by the authors of the Covenant themselves, may be regarded as a kind of commentary upon it. For this reason both documents are reprinted here in extenso.

The first summary was, published on April 14th, previously to the publication of the full text, on April 28th, and reads as follows : ¹⁾

¹⁾ "Times", of April 14th, 1919.

I. —The League of Nations is founded in order to promote international cooperation and to secure peace. The League will include:

- a) all the belligerent States named in a document annexed to the Covenant.
- b) all the neutral States so named and
- c) in the future any self-governing country whose admission is approved of by two-thirds of the States already Members of the League. A State may withdraw from the League provided it has kept its obligations to date on giving two years' notice.

II. — The League will act through an Assembly—comprising not more than three representatives of each of the member States, each State, however, having only one vote—and a Council, comprising for the present one representative of each of the five great Powers and each of four other Powers as selected from time to time by the Assembly.

The number of Powers of each class represented on the Council may be increased by the unanimous consent of the Council and a majority of the Assembly.

Other Powers have the right to sit as members of the Council during the discussion of matters in which they are specially interested.

In the Council as in the Assembly each State will have only one vote. Both these bodies are to meet at stated intervals—the Council at least once a year—and at other times if required. Both can deal with any matter that is of international interest or that threatens the peace of the world; the decisions of both must be unanimous, except in certain specified cases, matters of procedure, for instance, being decided by majority vote.

The League will have a permanent Secretariat under a Secretary General. The Secretariat and all other bodies under the League may include women equally with men.

A Permanent Court of International Justice and various permanent commissions and bureaux are also to be established.

III.— The member States agree

- a) To reduce their armaments, plans for such reduction being suggested by the Council but only adopted with the consent of the States themselves, and thereafter not to increase them without the concurrence of the Council.
- b) To exchange full information as to their existing armaments and their naval and military programmes.
- c) To respect each other's territory and political independence and guarantee them against foreign aggression.
- d) To submit all international disputes either to arbitration or to inquiry by the Council, which latter, however, may not pronounce an opinion on any dispute whose subject-matter falls solely within a State's domestic jurisdiction in no case to go to war till three months after an award

or unanimous recommendation has been made ; and even then not to go to war with a State which accepts the award or recommendation.

- e) To regard a State which has broken covenant as having committed an act of war against the League, to break off all economic and other relations with it, and to allow free passage through their territories to the troops of those States which are contributing armed force on behalf of the League. The Council is to recommend what amount of force, if any, should be supplied by the several Governments concerned, but the approval of the latter is necessary. States not members of the League will be invited to accept the obligations of the League for the purposes of particular disputes, and if they fail to comply may be coerced.
- f) Not to consider any treaty binding till it has been communicated to the League, which will then proceed to publish it ; to admit the right of the Assembly to advise the reconsideration of treaties and international conditions which do not accord with present needs and to be bound by no obligations inconsistent with the Covenant. A State which breaks its agreements may be expelled from the League by the Council.

IV. The Covenant does not affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

V. The former German Colonies and territories of the Ottoman Empire are to be administered in the interests of civilization by States selected for the purpose as mandatories of the League, which will exercise a general supervision.

VI. The member States accept certain responsibilities with regard to labour conditions, the treatment of natives, the white slave traffic, the opium traffic, the arms traffic with uncivilized and semi-civilized countries, transit and trade conditions, public health and Red Cross societies.

VII. The League is recognized as the central body interested in co-ordinating and assisting international activities generally.

VIII. Amendments to the Covenant require the approval of all the States on the Council and a simple majority of those in the Assembly. States which signify their dissent from amendments thus approved are not bound by them, but in this case cease to be members of the League.

On May 8th, a summary of the Covenant was published for the second time, now, as part of the summary of the conditions of peace, presented to the German delegates on May 7th.¹⁾ It is drawn up as follows :

¹⁾ The summary of the conditions of peace, submitted to the Austrian delegates at St. Germain on June 2nd, 1919, stated that Part I, entitled "The Covenant of the League of Nations", is exactly the same as the analogous part of the conditions submitted to Germany.

The Members of the League will be the signatories of the Covenant and other States invited to accede, who must lodge a declaration of accession without reservation within two months. Any State, Dominion, or Colony may be admitted provided its admission is agreed by two-thirds of the Assembly. A State may withdraw upon giving two years' notice, if it has fulfilled all its international obligations.

A permanent Secretariat will be established at the Seat of the League, which will be at Geneva.

The Assembly will consist of Representatives of the Members of the League, and will meet at stated intervals. Voting will be by States. Each Member will have one vote and not more than three Representatives.

The Council will consist of Representatives of the Five Great Allied Powers, together with Representatives of four other Members selected by the Assembly from time to time; it may co-opt additional States and will meet at least once a year. Members not represented will be invited to send a representative when questions affecting their interests are discussed. Voting will be by States. Each State will have one vote and not more than one Representative.

Decisions taken by the Assembly and Council must be unanimous, except in regard to procedure, and in certain cases specified in the Covenant and in the Treaty, where decisions will be by a majority.

The Council will formulate plans for a reduction of armaments for consideration and adoption. These plans will be revised every ten years. Once they are adopted, no Member must exceed the armaments fixed without the concurrence of the Council. All Members will exchange full information as to armaments and programmes, and a permanent Commission will advise the Council on military and naval questions.

Upon any war, or threat of war, the Council will meet to consider what common action shall be taken. Members are pledged to submit matters of dispute to arbitration or enquiry and not to resort to war until three months after the award. Members agree to carry out an arbitral award, and not to go to war with any party to the dispute which complies with it; if a Member fails to carry out the award, the Council will propose the necessary measures.

The Council will formulate plans for the establishment of a Permanent Court of International Justice to determine international disputes or to give advisory opinions. Members who do not submit their cases to arbitration must accept the jurisdiction of the Council or the Assembly. If the Council, less the parties to the dispute, is unanimously agreed upon the rights of it, the Members agree that they will not go to war with any party to the dispute which complies with its recommendations.

In this case a recommendation by the Assembly concurred in by all its Members represented on the Council and a simple majority of the rest, less the parties to the dispute, will have the force of a unanimous recommendation by the Council. In either case, if the necessary agreement cannot be secured the Members reserve the right to take such action as may be necessary for the maintenance of right and justice.

Members resorting to war in disregard of the Covenant will immediately be debarred from all intercourse with other Members. The Council will in such cases consider what military or naval action can be taken by the League collectively for the protection of the Covenants and will afford facilities to Members cooperating in this enterprise.

All Treaties or international engagements concluded after the institution of the League will be registered with the Secretariat and published. The Assembly may from time to time advise Members to reconsider treaties which have become inapplicable or involve danger to peace.

The Covenant abrogates all obligations between Members inconsistent with its terms, but nothing in it shall affect the validity of international engagements such as Treaties of Arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of Peace.

The tutelage of nations not yet able to stand by themselves will be entrusted to advanced nations who are best fitted to undertake it. The Covenant recognizes three different stages of development requiring different kinds of mandates :

- a) Communities like those belonging to the Turkish Empire, which can be provisionally recognized as independent, subject to advice and assistance from a Mandatory in whose selection they should be allowed a voice.
- b) Communities like those of Central Africa, to be administered by the Mandatory under conditions generally approved by the Members of the League, where equal opportunities for trade will be allowed to all members ; certain abuses, such as trade in slaves, arms, and liquor will be prohibited, and the construction of military and naval bases and the introduction of compulsory military training will be disallowed.
- c) Other communities, such as South-West Africa and the South Pacific Islands, best administered under the laws of the Mandatory as integral portions of its territory.

In every case the Mandatory will render an annual report, and the degree of its authority will be defined.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League will in general endeavour, through the international organization

established by the Labour Convention, to secure and maintain fair conditions of labour for men, women, and children in their own countries and other countries, and undertake to secure just treatment of the native inhabitants of territories under their control; they will entrust the League with the general supervision over the execution of agreements for the suppression of traffic in women and children, etc., and the control of the trade in arms and ammunition with countries in which control is necessary; they will make provision for freedom of communications and transit and equitable treatment for commerce of all Members of the League, with special reference to the necessities of regions devastated during the war; and they will endeavour to take steps for international prevention and control of disease.

International bureaux and commissions already established will be placed under the League, as will all those to be established in the future.

Amendments to the Covenant will take effect when ratified by the Council and by a majority of the Assembly.

CHAPTER II.

THE LEAGUE OF NATIONS AND THE PEACE TREATIES.

1. INCORPORATION OF THE COVENANT IN THE PEACE TREATY.

The Covenant constitutes Part I of the Peace Treaty with Germany. The incorporation of the Covenant in the Peace Treaty results from the conviction proclaimed during the war that machinery should be created by the Treaty of Peace, in order to maintain the peace of the world.

The indissoluble union of the League of Nations and the Peace Treaty, was the point of view that President WILSON constantly supported at Paris, and from which he did not deviate for an instant in his controversy with the American Senate. This standpoint was not the result of the preliminaries at Paris, it had been enunciated long before by the President. In his speech of September 27th, 1918, at New-York, made on the eve of the opening of the United States fourth Liberty loan, he spoke of the League of Nations as the only instrumentality, by which it could be made certain that the agreements of the peace would be honoured and fulfilled. The President then went on :

“And, as I see it, the constitution of that League of Nations and the clear definition of its objects must be a part, is in a sense the most essential part of the peace settlement itself.”

The Peace Conference soon rallied to this point of view; in the resolution on the League of Nations, passed on January 25th, 1919, it was said: "This League should be treated as an integral part of the general Treaty of Peace."

Since, there appear to have been moments, when it was rather doubtful whether President WILSON's wish to see the Covenant and the Peace Treaty united would be realized.

In March, during President WILSON's absence from Paris, the question what relation the Covenant would bear to the Peace Treaty was dealt with as "the big question". The Paris Correspondent of the "Times", in his letter of March 15th, in an article on Mr. WILSON's return, was of opinion that it would hardly be possible to have the modifications made in time, to permit the Covenant, as amended, becoming a part of the preliminary Treaty of Peace. In his opinion "it seemed likely that the preliminary Treaty of Peace would pledge all the nations signatory thereto, to participate in a League of Nations later to be formed. This would constitute a declaration of principle. To postpone the signing of the preliminary peace, in order to amend the League of Nations Covenant, and make it a part thereto, would certainly arouse opposition and impatience."

The same correspondent of the "Times", conceded that it was true President WILSON would oppose this plan, and that he would insist that the whole League of Nations' question should be tightly bound to the Treaty of Peace.

On March 15th, President WILSON issued a statement affirming that, in accordance with the resolution adopted by the Peace Conference, on January 25th, the establishment of the League of Nations must form an integral part of the Peace Treaty. On March 16th, M. PICHON made a somewhat contradictory statement to the representatives of the press at Paris, and intimated that the Supreme Council might decide to adopt the Treaty first, and take up the League afterwards.

However, when, on March 17th, the Council of Ten met to discuss, in the presence of President WILSON, modifications in the original peace terms, they manifestly rallied to his point of view, for, when the peace conditions were presented to the German delegation on May 7th, 1919, the Covenant of the League of Nations figured at the head of the Treaty.

Since, there seems to have been no divergence of opinion, concerning the inclusion of the Covenant in the Peace Treaty.

2. THE NOTES EXCHANGED BETWEEN THE ALLIED AND ASSOCIATED POWERS AND THE CENTRAL GOVERNMENTS.

THE EXCHANGE OF NOTES WITH GERMANY.¹⁾

In the exchange of notes preceding the signing of the Peace Treaty at Versailles on June 28th, 1919, the League of Nations was mentioned several times. This results from the fact that the Covenant of the League of Nations was a part of the peace conditions submitted to Germany by the Allied and Associated Powers, while at the same time Germany was left in uncertainty as to her admission to the League.

The point of view adopted by the German delegation, with regard to the League of Nations, is laid down by Prof. Dr. WALTHER SCHÜCKING, a member of that Delegation, in a speech that was delivered at Versailles on May 5th, thus two days before the conditions of peace were presented to the German delegates.²⁾

When Count von BROCKDORFF-RANTZAU, as Chief of the German Delegation, took receipt of the peace conditions, on May 7th, he made a speech in which he said, i. a. that Germany had set all her hopes on the League of Nations.³⁾

The German Government gave a further proof of the importance it attached to the question of the League, in the note of May 9th, addressed by Count BROCKDORFF to M. CLEMENCEAU, President of the Peace Conference. This note was accompanied by a draft Covenant drawn up by the German Government. The text of this note is inserted here:⁴⁾

„Die deutsche Friedensdelegation beeindruckt sich zu der Frage des Völkerbundes Stellung zu nehmen, indem sie anbei ein deutsches Programm überreicht, das ihrer Meinung nach zum Problem des Völkerbundes wesentliche

¹⁾ Cf. „Die Friedensverhandlungen in Versailles”, veröffentlicht vom Auswärtigen Amt in Berlin; „Materialien betreffend die Friedensverhandlungen” Teil I—V, Deutsche Verlagsgesellschaft für Politik und Geschichte and WEHBERG, „Die Pariser Völkerbundakte”, p. 91.

²⁾ This speech was published in „Ein neues Zeitalter”, Siebente Flugschrift der „Deutsche Liga für Völkerbund”.

³⁾ „Die Friedensverhandlungen in Versailles”, p. 26.

⁴⁾ „Die Friedensverhandlungen in Versailles”, p. 33.

Anregungen enthält. Die deutsche Friedensdelegation behält sich vor, sich noch eingehend zum Entwurf der alliierten und assoziierten Regierungen zu äussern. Sie macht jedoch schon heute auf den Widerspruch aufmerksam, der darin liegt, dass Deutschland zwar das Statut des Völkerbundes als einen Bestandteil des uns überreichten Vertragsentwurfs unterzeichnen soll, sich aber nicht unter den Staaten befindet, die zum Eintritt in den Völkerbund eingeladen sind. Die deutsche Delegation stellt die Anfrage, ob und gegebenenfalls unter welchen Umständen eine solche Einladung beabsichtigt ist."

The following draft Covenant was attached :¹⁾

I. GRUNDLAGEN.

1. Der Völkerbund soll durch obligatorische Schlichtung internationaler Streitigkeiten unter Verzicht auf Waffengewalt den dauernden Frieden zwischen seinen Mitgliedern auf die sittliche Macht des Rechtes gründen und als internationale Arbeitsgemeinschaft dem geistigen und materiellen Fortschritt der Menschheit dienen.

Er wird auf ewige Zeiten geschlossen und bildet eine Einheit zur gemeinsamen Verteidigung nach aussen.

Die Mitglieder gewährleisten einander ihren territorialen Besitz und enthalten sich gegenseitig der Einmischung in innerpolitische Angelegenheiten.

2. Besondere Zwecke des Völkerbundes sind :

- a) die Verhütung internationaler Streitigkeiten ;
- b) Abrüstung ;
- c) die Sicherung der Verkehrsfreiheit und der allgemeinen wirtschaftlichen Gleichberechtigung ;
- d) der Schutz der nationalen Minderheiten ;
- e) die Schaffung eines internationalen Arbeiterrechts ;
- f) die Regelung des Kolonialwesens ;
- g) die Zusammenfassung bestehender und künftiger internationaler Einrichtungen ;
- h) die Schaffung eines Weltparlaments.

3. Der Völkerbund umfasst :

- a) alle kriegsführenden Staaten einschliesslich der während des Krieges neu entstandenen ; .
- b) alle neutralen Staaten, die dem Haager Weltschiedsverband angegeschlossen waren ;
- c) alle anderen, wenn sie von zwei Dritteln der bereits vorhandenen Bundesmitgliedern zugelassen werden.

¹⁾ „Deutsche Liga für Völkerbund“, Sechste Flugschrift, p. 10.

Dem Päpstlichen Stuhl bleibt der Eintritt in den Völkerbund vorbehalten.

4. Die Mitglieder verpflichten sich, keinen dem Zwecke des Bundes widersprechenden Sondervertrag abzuschliessen, auch kein Geheimabkommen irgendwelcher Art zu treffen. Bestehende Verträge solcher Art sind aufzuheben.

Geheime Verträge sind nichtig.

II. VERFASSUNG.

5. Die Organe des Völkerbundes sind :

- A) der Staatenkongress ;
- B) das Weltparlament ;
- C) der ständige internationale Gerichtshof ;
- D) das internationale Vermittlungsamt ;
- E) die internationalen Verwaltungsämter ;
- F) die Kanzlei.

A. Der Staatenkongress.

6. Der Staatenkongress ist die Versammlung der Vertreter der Völkerbundstaaten. Jeder Staat hat einen bis drei Vertreter ; die Vertreter können nur einheitlich abstimmen.

7. Der Kongress tritt mindestens jedes dritte Jahr zusammen.

8. Der Kongress führt die Geschäfte des Völkerbundes, soweit sie nicht anderen Organen übertragen sind ; er wählt bei seinem ersten Zusammentritt einen ständigen Ausschuss, der in der Zwischenzeit die Geschäftsführung besorgt.

9. Die Beschlüsse des Kongresses werden, soweit der Vertrag nichts anderes bestimmt, mit einer Mehrheit von zwei Dritteln der vertretenen Staaten gefasst. Im übrigen regelt der Kongress seine Geschäftsordnung selbst.

B. Das Weltparlament.

10. Das erste Weltparlament setzt sich zusammen aus Vertretern der einzelnen Parlamente der Völkerbundstaaten. Jedes einzelne Parlament wählt für je eine Million der Bewohner seines Staates einen Vertreter ; doch darf kein Parlament mehr als zehn Vertreter entsenden.

11. Über die spätere Zusammensetzung des Weltparlaments entscheidet das Weltparlament unter Zustimmung des Staatenkongresses.

12. Die Zustimmung des Weltparlaments ist erforderlich für

- a) die Änderung der Bundesverfassung ;
- b) die Aufstellung allgemein gültiger internationaler Rechtsnormen ;

- c) die Einsetzung neuer Bundesbehörden ;
- d) die Feststellung des Bundeshaushalts.

In diesen Angelegenheiten besitzt das Weltparlament zugleich die Initiative.

13. Das Weltparlament tritt gleichzeitig mit dem Staatenkongress zusammen. Im übrigen regelt es seine Geschäftsordnung selbst.

C. Der ständige internationale Gerichtshof.

14. Der internationale Gerichtshof wird vom Staatenkongress auf die Dauer von neun Jahren wie folgt gewählt :

Jeder Staat schlägt mindestens eine und höchstens vier Personen vor, die geeignet und bereit sind, das Richteramt zu übernehmen.

Mindestens einer der Vorgeschlagenen soll nicht Angehöriger des vorschlagenden Staates sein.

Aus der Gesamtliste der Vorgeschlagenen bezeichnet jeder Staat fünfzehn Personen ; die fünfzehn Personen, die die meisten Stimmen auf sich vereinigen, sind zu Richtern gewählt.

Beim Ausscheiden von Richtern treten die Personen an ihre Stelle, die nach den fünfzehn Gewählten die meisten Stimmen erhalten haben, und zwar in der Reihenfolge ihrer Stimmenzahl.

15. Der Gerichtshof trifft seine Entscheidungen in der Besetzung von drei Mitgliedern, von denen jede Partei eines wählt. Den Vorsitzenden bestimmt, falls sich die Parteien nicht über ihn einigen, der Gerichtshof in seiner vollen Besetzung.

D. Das internationale Vermittlungsamts.

16. Für das internationale Vermittlungamt ernennt jeder Staat vier Wahlmänner seines Vertrauens. Die Wahlmänner treten zu einer Tagung zusammen und wählen mit Stimmenmehrheit die fünfzehn Mitglieder des Vermittlungsamts sowie zehn Ersatzmänner, deren Reihenfolge bei der Wahl zu bestimmen ist.

17. Das Vermittlungamt fasst seine Beschlüsse in der Besetzung von fünf Mitgliedern, von denen jede Partei zwei wählt. Den Vorsitzenden bestimmt, falls sich die Parteien nicht über ihn einigen, das Vermittlungamt in seiner vollen Besetzung.

18. Die Mitglieder des Vermittlungamts dürfen weder in einem aktiven Dienstverhältnis zu ihrem Heimatstaat stehen, noch gleichzeitig Mitglieder einer anderen Behörde des Völkerbundes sein.

Sie nehmen ihren Aufenthalt am Sitz des Völkerbundes.

E. Die internationalen Verwaltungämter.

19. Der Völkerbund wird alle Bestrebungen für die Zusammenfassung

der gemeinsamen Interessen der Völker fördern und auf die Weiterbildung der bestehenden und die Schaffung neuer internationaler Einrichtungen hinwirken. Dies gilt besonders für die Gebiete des Rechtes, der Wirtschaft und des Finanzwesens.

20. Die bestehenden Unionen werden dem Völkerbunde nach Möglichkeit angegliedert.

21. Alle internationalen Bureaus, die früher durch Kollektivverträge eingeführt worden sind, werden, wenn die Vertragsparteien zustimmen, unter die Aufsicht des Bundes gestellt.

22. Alle internationalen Bureaus, die künftig gebildet werden, stehen unter der Aufsicht des Bundes.

F. Die Bundeskanzlei.

23. Die Beamten der Kanzlei werden von dem ständigen Ausschuss des Staatenkongresses ernannt und stehen unter seiner Aufsicht.

24. Die Kanzlei bildet das gemeinsame Bureau der Organe des Völkerbundes. Ihre Geschäftsordnung wird von dem ständigen Ausschuss des Staatenkongresses bestimmt.

25. Die Kanzlei veröffentlicht alle Beschlüsse und Kundgebungen der Organe des Völkerbundes in ihrem amtlichen Publikationsorgan. Die Mitglieder des Völkerbundes verpflichten sich, die Beschlüsse und Kundgebungen des Staatenkongresses und des internationalen Vermittlungsamts in ihren amtlichen Publikationsorganen im Originaltext und in der Landessprache zu veröffentlichen und ihren gesetzgebenden Körperschaften vorzulegen.

26. Die Mitglieder des Völkerbundes verpflichten sich, alle von ihnen abgeschlossenen internationalen Verträge der Kanzlei zur Veröffentlichung im Publikationsorgan des Völkerbundes einzureichen.

G. Stellung der Bundesbeamten.

27. Alle Mitglieder der internationalen Behörden und des Weltparlaments mit Ausnahme derjenigen, die dem Aufenthaltsstaate selbst angehören, geniessen dort die diplomatische Vorrechte und Befreiungen.

28. Die Mitglieder des Weltparlaments geniessen in dem Staate, dem sie angehören, dieselben Rechte wie Parlamentsmitglieder dieses Staates.

III. FRIEDLICHE SCHLICHTUNG INTERNATIONALER STREITIGKEITEN.

29. Alle zwischenstaatlichen Streitigkeiten, die auf diplomatischem Wege nicht haben erledigt werden können und für die nicht eine besondere Schiedsgerichtsbarkeit vereinbart wird, müssen entweder durch den stän-

digen internationalen Gerichtshof ausgetragen oder durch das internationale Vermittlungsamts geregelt werden.

30. Das regelmässige Organ für die Entscheidung von zwischenstaatlichen Rechtsstreitigkeiten ist der internationale Gerichtshof. Jedes Mitglied des Völkerbundes hat hier ein Recht zur Klage, auf die sich der Gegner einlassen muss. Die Entscheidungen ergehen im Namen des Völkerbundes.

Das gleiche gilt für das Verfahren vor dem Vermittlungsamts.

31. Der internationale Gerichtshof ist ausser für Streitigkeiten der Staaten zuständig :

- a) für Klagen Privater gegen auswärtige Staaten und Staatsoberhäupter, wenn die Staatsgerichte sich für unzuständig erklärt haben ;
- b) für Streitigkeiten zwischen Angehörigen verschiedener Gliedstaaten des Völkerbundes, soweit die Auslegung von Staatsverträgen den Gegenstand des Streites bildet.

32. Den beteiligten Staaten bleibt vorbehalten, für einzelne Streitfälle oder bestimmte Arten von Streitfällen Schiedsverträge abzuschliessen. Diese Befugnis steht ihnen jedoch nicht zu, soweit es sich um die Auslegung allgemeiner geschriebener Normen des internationalen Rechtes oder um die Auslegung der Satzung des Völkerbundes handelt.

33. Erhebt in einem Staatenkonflikt vor dem internationalen Gerichtshof der Beklagte den Einwand, dass es sich um einen reinen Interessenkonflikt oder um einen Rechtsfall von überwiegend politischer Bedeutung handle, so hat der Gerichtshof über diesen Einwand vorab zu entscheiden. Findet er ihn begründet, so verweist er den Konflikt vor das Vermittlungsamts zur Regelung.

Ist der Konflikt vor dem Vermittlungsamts anhängig gemacht und wird dort der Einwand erhoben, dass es sich um eine reine Rechtsfrage handelt, so übergibt das Vermittlungsamts den Fall zunächst dem internationalen Gerichtshof, der darüber entscheidet, ob der Konflikt an das Vermittlungsamts zurückverwiesen wird oder bei dem Gerichtshof anhängig bleibt.

34. Der Gerichtshof entwirft auf der Grundlage des Haager Abkommens über die friedliche Erledigung internationaler Streitigkeiten vom 18. Oktober 1907 eine Verfahrensordnung ; diese bedarf zu ihrer Wirksamkeit der Zustimmung des Staatenkongresses.

Das Verfahren vor dem Vermittlungsamts wird von diesem selbst bestimmt.

Sowohl der Gerichtshof als das Vermittlungsamts sind befugt, das Streitverhältnis für die Dauer des Verfahrens durch eine vorläufige Verfügung zu regeln.

35. Die Entscheidung des Gerichtshofs erfolgt nach den internationalen Vereinbarungen, dem völkerrechtlichen Gewohnheitsrecht und nach den allgemeinen Grundsätzen von Recht und Billigkeit.

36. Die Entscheidung des Gerichtshofs oder des Vermittlungsamtes verpflichtet den betroffenen Staat, ihren Inhalt nach Treu und Glauben auszuführen.

IV. VERHÜTUNG INTERNATIONALER STREITIGKEITEN.

37. Stellt das Vermittlungsamt fest, dass in den Beziehungen einzelner Völkerbundstaaten eine Spannung eingetreten ist, so kann es den beteiligten Staaten seine Vermittlung anbieten. Diese sind dann verpflichtet, die Angelegenheit vor dem Vermittlungsamt zu erörtern und ihm die Unterlagen für einen Vorschlag zur Lösung der Frage zu geben.

38. Jeder Völkerbundstaat ist verpflichtet, die Beschimpfung eines anderen Volkes in Wort, Schrift oder Bild durch seine Gesetzgebung und Verwaltung zu bekämpfen. Bei Verletzung dieser Pflicht kann der geschädigte Staat die Entscheidung des internationalen Gerichtshofs anrufen.

39. Zwischen den Staaten des Völkerbundes gilt eine wechselseitige Verpflichtung, solche tatsächlichen Behauptungen, die durch die Presse des einen Staates zum Nachteil des andern veröffentlicht worden sind, jederzeit zu berichtigen. Bei Verweigerung der Berichtigung entscheidet der internationale Gerichtshof.

V. ABRÜSTUNG.

40. Die Mitglieder des Völkerbundes werden ihre Rüstungen zu Lande und in der Luft so begrenzen, dass von ihnen nur die zur Sicherheit des Landes erforderlichen Streitkräfte unterhalten werden.

Sie werden ihre Rüstung zur See auf die Machtmittel beschränken, die zur Verteidigung ihrer Küsten erforderlich sind.

41. Gesamtjahresausgaben zu Rüstungszwecken nach Voranschlag und Abrechnung sowie die Ziffern der Effektivbestände an Truppen und Kriegsmitteln aller Art, insbesondere an Kriegsschiffen, sind jedes Jahr der Bundeskanzlei einzureichen und von dieser in dem Publikationsorgan des Völkerbundes zu veröffentlichen.

42. Zur Durchführung der Abrüstung wird ein besonderes Abkommen getroffen, das auch die internationale Kontrolle über die Innehaltung der getroffenen Vereinbarungen enthält.

Das Abkommen bildet einen wesentlichen Bestandteil der Verfassung des Völkerbundes.

VI. VERKEHRSFREIHEIT.

43. Die Herrschaft über das Meer wird dem Völkerbunde übertragen. Er übt sie durch eine internationale Seepolizei aus, über deren Organisation ein besonderes Abkommen entscheidet.

Die für die Seepolizei erforderlichen Machtmittel werden zwischen den Seestaaten des Völkerbundes durch das Abkommen kontingentiert.

Ausser den Schiffen der Seepolizei dürfen keine bewaffneten Schiffe das Meer befahren.

44. Die für den internationalen Seeverkehr unentbehrlichen Meerengen und Kanäle stehen den Schiffen aller Völkerbundstaaten gleichmässig offen.

45. Kein Völkerbundstaat darf die See- und Binnenschiffahrt eines andern Völkerbundstaats ungünstiger behandeln als diejenige des eigenen oder des meistbegünstigten Landes. Dies gilt insbesondere für die Benutzung der Einrichtungen für die Versorgung der Schiffe mit Feuerungs- und Betriebsstoffen. Die Küstenschiffahrt wird durch ein besonderes Abkommen geregelt. Wegen der Seetüchtigkeit der Schiffe und der Bordverhältnisse werden bis zur Regelung durch den Völkerbund die Gesetze des Flaggenstaats als massgebend anerkannt.

46. Die Luft steht dem Verkehr der Luftfahrzeuge aller Völkerbundstaaten gleichmässig frei. Zur Durchführung dieses Grundsatzes wird ein besonderes Abkommen getroffen, das u. a. die Notlandung auf dem Gebiete des überflogenen Staates sowie die Sicherung des Zollaufkommens regelt.

47. Kein Völkerbundstaat darf in der Freiheit des Kabel- und Funksprachverkehrs beschränkt werden.

48. Die Rechtsstellung der Angehörigen des einen Völkerbundstaats im Gebiete des anderen in bezug auf persönliche Freiheit, Kultusfreiheit, Aufenthalts- und Niederlassungsrecht sowie Gerichtsschutz regelt ein besonderes Abkommen auf der Grundlage möglichster Gleichstellung mit den Inländern.

49. In der Ausübung von Handel, Gewerbe und Landwirtschaft sollen die Angehörigen des einen Völkerbundstaats im anderen Völkerbundstaat den Inländern gleichgestellt sein, insbesondere auch hinsichtlich der damit verbundenen Abgaben und Lasten.

50. Die Völkerbundstaaten werden sich weder unmittelbar noch mittelbar an Massnahmen beteiligen, die auf eine Fortsetzung oder Wiederaufnahme des Wirtschaftskriegs abzielen. Zwangsmassnahmen des Völkerbundes bleiben vorbehalten.

51. Waren aller Art, die aus dem Gebiet eines Völkerbundstaats kommen oder nach einem solchen gehen, sollen in den Gebieten der Völkerbundstaaten von jeder Durchfuhrabgabe frei sein.

52. Der gegenseitige Verkehr soll innerhalb des Völkerbundes nicht durch Ein-, Aus- und Durchfuhrverbote gehemmt werden, soweit dies nicht aus Gründen der öffentlichen Sicherheit, der Gesundheits- und Seuchenpolizei oder zur Durchführung der inneren wirtschaftlichen Gesetzgebung erforderlich ist.

53. Den einzelnen Völkerbundstaaten steht es frei, die wirtschaftlichen Beziehungen zueinander unter Berücksichtigung der besonderen Bedürfnisse durch Sonderabkommen auch in anderen als den vorstehend aufgeführten Beziehungen zu regeln.

Sie anerkennen als Ziel ihrer Bestrebungen die Schaffung eines Welt-handelsvertrags.

VII. SCHUTZ DER NATIONALEN MINDERHEITEN.

54. Den nationalen Minderheiten innerhalb der einzelnen Völkerbundstaaten wird ein nationales Eigenleben, insbesondere in Sprache, Schule, Kirche, Kunst, Wissenschaft und Presse verbürgt.

Über die Durchführung dieses Grundsatzes entscheidet ein besonderes Abkommen, das vornehmlich bestimmt, in welcher Weise das Recht der Minderheiten vor den Organen des Völkerbundes geltend gemacht werden kann.

VIII. ARBEITERRECHT.

55. Es gehört zu den Hauptaufgaben des Völkerbundes, der Arbeiterschaft aller Gliedstaaten ein menschenwürdiges Dasein und die Freude an der Berufstätigkeit zu sichern. Ein besonderes, in der Anlage beigefügtes Abkommen regelt zu diesem Zwecke für die Arbeiter die Fragen der Freizügigkeit, des Koalitionsrechts, der Gleichstellung der In- und Ausländer in bezug auf die Arbeitsbedingungen, der Arbeitsvermittlung, der Sozialversicherung, des Arbeiterschutzes, der Heimarbeit, der Arbeitsaufsicht und der internationalen Durchführung und Fortbildung dieser Normen.

56. Für die Überwachung und den Ausbau des Arbeiterrechts soll bei der Bundeskanzlei ein Weltarbeitsamt eingerichtet werden.

IX. KOLONIEN.

57. Für die Verwaltung der Kolonien, die nicht das Recht der Selbstverwaltung besitzen, schafft der Völkerbund eine internationale Ordnung auf folgenden Gebieten:

- a) der Schutz der Eingeborenen gegen Sklaverei, Alkohol, Waffen- und Munitionshandel, Volksseuchen, Zwangsarbeit und Zwangsenteignung;
- b) die Fürsorge für Gesundheit, Erziehung und Wohlstand der Eingeborenen und die Sicherung der Gewissensfreiheit;

c) die Sicherung des Friedens durch Neutralisierung der Kolonialgebiete und durch Verbot der Militarisierung.

58. Den in den Völkerbundstaaten anerkannten Religionsgemeinschaften wird die freie Ausübung ihrer Bekenntnisse und der Mission in allen Kolonien gewährleistet.

59. Den Angehörigen aller Völkerbundstaaten wird die Freiheit der wirtschaftlichen Betätigung unter Berücksichtigung der vorstehenden allgemeinen Bestimmungen über die Verkehrsfreiheit in jeder Kolonie gewährleistet.

60. Zur Ausführung und Überwachung der vorstehenden Bestimmungen wird ein Welt-Kolonialamt eingerichtet. In jeder Kolonie sind Beauftragte des Völkerbundes verpflichtet, über die Innehaltung der vorstehenden Bestimmungen zu wachen.

61. Über das Schicksal der dem Völkerbund nicht unmittelbar oder mittelbar angeschlossenen Gebiete kolonialen Charakters kann nur durch Beschluss des Völkerbundes zugunsten eines Mitglieds verfügt werden.

X. VOLLSTRECKUNG.

62. Weigert sich ein Völkerbundstaat Sprüche, Beschlüsse oder Verfü-
gungen eines zuständigen Organes des Völkerbundes auszuführen oder verletzt er sonst eine Bestimmung der Bundesverfassung, so beschliesst das Vermittlungsamt in seiner Vollbesetzung von fünfzehn Mitgliedern über die Zwangsvollstreckung.

63. Die Zwangsvollstreckung kann insbesondere bestehen in :

- a) Abbruch der diplomatischen Beziehungen durch alle übrigen Staaten ;
- b) Einschränkung oder Abbruch der wirtschaftlichen Beziehungen, namentlich Ein- und Ausfuhrverbote, ungleichmässige Zollbehandlung, Sperrung des Personen-, Güter- und Nachrichtenverkehrs, Beschlagnahme von Schiffen ;
- c) militärischen Massnahmen, die dem verletzten Staate allein oder in Verbindung mit anderen Staaten aufgetragen werden.

64. Jeder Staat hat das Recht, bei einem Angriff auf sein Gebiet nicht nur zu den Rechtsmitteln des Völkerbundes, sondern sofort zur Selbsthilfe zu greifen.

65. Alle Kosten und Schäden, die den Mitgliedern des Völkerbundes einzeln oder gemeinsam aus den Massnahmen der Vollstreckung entstehen, zahlt der friedebrechende Staat.

XI. KOSTEN.

66. Die gesamten Kosten des Völkerbundes werden von den Mitgliedern

nach einem Schlüssel aufgebracht, der von dem Staatenkongress in Anlehnung an den Schlüssel des Weltpostvereins festgestellt wird.

On May 10th, M. CLEMENCEAU sent the following reply to Count BROCKDORFF RANTZAU, with reference to this proposal : ¹⁾

„J'ai l'honneur de vous accuser réception du projet allemand de Société des Nations.

Ce projet sera renvoyé à la Commission compétente formée par les Puissances alliées et associées.

Les délégués allemands pourront constater par un nouvel examen du Pacte de la Société des Nations que la question d'admission de nouveaux membres dans cette Société n'a pas été omise, mais est prévue explicitement dans le deuxième paragraphe de l'article premier.”

That letter was followed on May 22nd, by another message from M. CLEMENCEAU to Count BROCKDORFF RANTZAU, the text of which is given here : ²⁾

„La Commission des Puissances Alliées et Associées désignée pour examiner les propositions du Gouvernement allemand relatives à la Société des Nations a étudié attentivement ces propositions. Elle prend note avec intérêt des stipulations contenues dans ce projet et estime qu'elles pourront être utilement discutées d'une façon générale au moment où la Société aura été définitivement constituée. Elle se borne donc, pour le moment, à appeler l'attention sur un certain nombre de points particuliers qui s'y trouvent visés.

Elle a l'honneur de faire remarquer que les propositions du Gouvernement allemand traitent de sujets qui ont été longuement discutés par la Commission de la Société des Nations. Mais elle estime d'une façon générale que les propositions contenues dans le Pacte sont beaucoup plus pratiques que celles du Gouvernement allemand et mieux établies en vue d'atteindre les buts de la Société.

Elle constate d'ailleurs avec satisfaction que le Gouvernement allemand est favorable à la création d'une société fondée pour le maintien de la paix et basée sur l'application des principes généraux du gouvernement démocratique. Elle partage entièrement ce point de vue, mais elle n'estime pas que toutes les propositions particulières contenues dans le projet allemand présentent pratiquement des avantages à cette fin. Elle soumet les observations suivantes sur certaines suggestions présentées par le Gouvernement allemand :

¹⁾ „Die Friedensverhandlungen in Versailles”, p. 34.

²⁾ „Die Friedensverhandlungen in Versailles”, p. 36.

I. En ce qui concerne l'établissement d'un bureau de médiation international séparé (paragraphes 16 à 18 et 62 du projet allemand) elle n'estime pas qu'un corps quelconque de médiateurs désignés conformément au projet allemand puisse avoir, en fait, l'autorité nécessaire pour régler les conflits internationaux ou pour maintenir la paix du monde. Ces fonctions appartiendront au Conseil tel qu'il est constitué par le Pacte.

Elle est favorable en même temps à l'idée qu'un système de commissions de conciliation impartiales peut, en beaucoup de cas, constituer le moyen le plus approprié et le plus efficace en vue d'une enquête préliminaire et, quand cela serait possible, du règlement des conflits non soumis à l'arbitrage ; elle fait remarquer qu'il n'y a rien dans le Pacte qui s'oppose à l'emploi de commissions de ce genre, et elle en espère même la création toutes les fois qu'elles répondront à un but utile.

II. Les propositions du Gouvernement allemand au sujet de la composition, de la juridiction et de la procédure d'une Cour permanente de justice internationale (paragraphes 14, 15 et 29 à 36) ont été examinées avec soin et seront soumises à l'examen détaillé du Conseil de la Société des Nations, au moment où il préparera le projet d'établissement d'une Cour permanente, conformément à l'article XIV du Pacte.

III. La Commission de la Société des Nations a examiné déjà le principe de l'arbitrage obligatoire (paragraphes 30 à 33) et a décidé que son application universelle sous la forme proposée n'est pas réalisable à l'heure actuelle. Elle fait remarquer toutefois qu'elle a prévu le recours obligatoire aux moyens d'assurer pacifiquement le règlement de tous les conflits internationaux et elle croit que l'institution d'une cour permanente contribuera beaucoup à encourager le développement du principe de l'arbitrage.

IV. Elle est favorable à la plupart des propositions faites aux paragraphes 44 à 53 du projet du Gouvernement allemand au sujet de la liberté du transit et des communications et des relations économiques et commerciales entre les différents peuples. Elle fait d'ailleurs remarquer que les arrangements généraux sur ces questions, dans le genre de ceux proposés par le Gouvernement allemand, sont déjà examinés par les Puissances alliées et associées et qu'ils seront soumis en temps opportun à la Société des Nations.

V. En ce qui concerne la proposition de faire payer à l'Etat contrevenant tous frais et dommages causés aux membres de la Société par un manquement au Pacte, (paragraphe 65) les Etats alliés et associés reconnaissent d'une façon générale le bien-fondé du principe posé par le Gouvernement allemand, principe, qui est bien d'une application générale.

La Commission a toutefois tellement confiance que cette mesure sera effectivement adoptée par la Société, dans l'éventualité malheureuse d'un manquement au Pacte, qu'elle n'estime pas nécessaire de modifier les dispositions du Pacte dans ce sens.

VI. La Commission prend acte avec satisfaction du fait que le Gouvernement allemand est favorable au désarmement (paragraphe 40 à 42). Elle fait remarquer à ce sujet que le Pacte prévoit la préparation et la proposition aux membres de la Société de projets relatifs au désarmement international.

VII. La commission prend note des propositions du Gouvernement allemand (paragraphes 62 à 64) visant les sanctions à appliquer aux membres de la Société pour manquement à leurs obligations. Elle est cependant d'avis que la pression économique automatique faite sur les Etats contrevenant au Pacte, prévue par l'article 16 dudit Pacte, et suivie par telle action internationale militaire ou navale qui serait nécessaire, semble devoir être plus rapide et plus effective que les propositions contenues dans le projet du Gouvernement allemand."

In the counter-proposals of the German delegation, of May 29th, a special part is devoted to the contradiction between the draft Treaty on the one hand, and on the other, the principles of justice agreed upon, the assurances given previously by the enemy statesmen, and the general conception of a League of Nations.

The Paragraph entitled „Völkerbundsggeist”, reads as follows :¹⁾

„In einem solchen Frieden²⁾ wäre die Solidarität der menschlichen Interessen berücksichtigt worden, die in einem Völkerbunde ihren Ausdruck finden sollte. Wie oft ist Deutschland versprochen worden, dass dieser Völkerbund die Kriegsführenden, also Sieger und Besiegte, in einer dauernden Rechtsgemeinschaft einigen würde. Am 10. April 1916 sagte Minister ASQUITH zu den französischen Parlamentariern: „Das Ziel der Verbündeten in diesem Kriege ist, den Weg zu einem internationalen System zu ebnen, das den Grundsatz gleicher Rechte für alle zivilisierten Staaten sichert.“ Am 1. November 1918 sprach der Minister Lord ROBERT CECIL von einem Völkerbundsggeist, der nicht nur die Maschinerie eines Völkerbundes bedeutet, sondern den Ersatz der Konkurrenz in internationalen Beziehungen durch Zusammenarbeit. „Das wäre ein ungeheuerer Wechsel, der den Patriotismus von vielen in England auf die Probe stellen wird. Wenn wir nicht diese Probleme mit dem wirklichen aufrichtigen Wunsche

¹⁾ „Die Friedensverhandlungen in Versailles”, p. 159.

²⁾ This refers to a peace based on justice, as evolved in the foregoing paragraph.

behandeln, eine Lösung durchzusetzen, die zum Vorteil der ganzen zivilisierten Welt dauernd bestehen wird, dann in der Tat könnte es sein, dass wir einen neuen Fehlschlag, eine neue Katastrophe gegen uns selbst in Bewegung setzen, so wie wir sie in den letzten vier Jahren erlebt haben, und dann ist es keineswegs sicher, dass die europäische Zivilisation das überlebt“ Am 26. August 1915 sagte der ehemalige Minister Sir EDWARD GREY: „Wenn es Garantien gegen einen künftigen Krieg geben sollte, so müssten sie allumfassend und wirksam sein und Deutschland ebenso wie die anderen Nationen, England eingeschlossen, binden.“ Der selbe Minister schrieb in seiner Abhandlung über die „Liga der Nationen“ im Jahre 1918: „Ein solcher Völkerbund muss auch Deutschland umfassen, aber nicht ein Deutschland, das nicht von dem Vorteile und der Notwendigkeit eines solchen Bundes überzeugt ist. Die Alliierten müssen demgegenüber den Gedanken der gegenseitigen Achtung der Staaten in den Vordergrund stellen und entschlossen sein, jeden Versuch zu einem Kriege als eine die ganze Welt mit Zerstörung bedrohende Epidemie zu ersticken. Wenn Leute, die diesen Gedanken und diese Art des Friedens annehmen, im Namen Deutschlands sprechen und handeln werden, werden wir einen guten Frieden erhalten.“ Unterm 12. October 1918 sagte Lord GREY: „WILSON hat wiederholt darauf gedrungen, dass der Völkerbund ein Bund sein müsse, in dem auch Deutschland aufgenommen werden kann. Wir dürfen keinen Vorwand suchen, Deutschland aus einem anderen Grunde auszuschliessen, als dass jede zu dem Bunde gehörende Regierung ein freies Volk repräsentieren muss, entschlossen, die Ziele des Bundes in aller Aufrichtigkeit auszuführen“.

Aenlich verlangte der französische Ministerpräsident RIBOT am 6. Juni 1917: „Morgen muss sich ein Friedensbund bilden im Namen des demokratischen Geistes, den Frankreich die Ehre hätte in die Welt einzuführen. Die Nationen, die heute in Waffen stehen, werden morgen die Gesellschaft der Nationen bilden. Das ist die Zukunft der Menschen oder man müsste an ihrer Zukunft zweifeln. WILSON hat gesagt, dass er in diesem Punkte mit uns sei.“

„Wenn der kommende Friede von Dauer sein soll,“ sagte Präsident WILSON am 22. Januar 1917, „muss er ein Friede sein, der gesichert ist durch das organisierte Uebergewicht der Macht der ganzen Menschheit.“ „Eine allgemeine Gesellschaft der Nationen muss gebildet werden“, hiess es in seiner Ansprache an den Kongress vom 8. Januar 1918. Am 27. September 1918 erklärte er: „Die Schaffung jenes Völkerbundes sowie die klare Umschreibung seiner Ziele müsste ein Teil, ja in gewissem Sinne der wesentliche Teil des Friedens selbst sein. Wenn er schon jetzt geschlossen werde, würde er lediglich ein neues Bündnis bedeuten, das sich auf jene Nationen

beschränkte, die sich gegen den gemeinsamen Feind zusammengeschlossen hätten." Noch am 3. Januar 1919 sah Präsident WILSON in Rom die Aufgabe der Friedenskonferenz zu Paris darin, „die Freundschaft der ganzen Welt zu organisieren, dafür zu sorgen, dass alle die sittlichen Kräfte, die auf Recht, Gerechtigkeit und Freiheit hinwirken, vereinigt würden zu einer lebendigen Gliederung.“

Diese Kundgebungen liessen es dem deutschen Volke als selbstverständlich erscheinen, dass es von Anfang an bei der Errichtung des Völkerbundes beteiligt werden würde. Aber im Widerspruch mit ihnen ist das Völkerbundstatut ohne Deutschlands Mitwirkung festgesetzt worden. Ja, Deutschland befindet sich nicht einmal auf der Liste der Staaten, die zum Eintritt in den Völkerbund eingeladen sind. Zwar kann sich Deutschland um die Zulassung bewerben, aber sie ist abhängig gemacht von „effektiven Garantien," deren Umfang und Inhalt es nicht einmal kennt. Deutschlands Bedeutung ist unabhängig von seiner jeweiligen militärischen oder politischen Macht; daher kann von einem wahren Völkerbund ohne seine Zulassung überhaupt nicht gesprochen werden. Vielmehr ist, was der Friedensvertrag schaffen will, nur eine Fortdauer der gegnerischen Koalition, die den Namen „Völkerbund" nicht verdient. Auch die innere Struktur verwirklicht nicht den wahren Völkerbund. Statt der erträumten heiligen Allianz der Völker kehrt darin wieder die unselige Idee der heiligen Allianz von 1815, der Glaube, von oben herab auf dem Wege diplomatischer Konferenzen mit diplomatischen Organen der Welt den Frieden sichern zu können! Man vermisst technische Behörden und unparteiische Instanzen neben dem von den Grossmächten beherrschten Ausschuss, der die ganze Kulturwelt auf Kosten der Unabhängigkeit und Rechtsgleichheit der kleineren Staaten seiner Kontrolle unterwerfen kann. Die Fortdauer der alten auf Macht gestützten Politik mit ihren Rankünen und Rivalitäten ist damit nicht ausgeschlossen!"

The German counter-proposals then give an explanation of the German proposals, having reference to the various Parts of the draft Treaty submitted to the German delegation. The first proposal, that referring to the League of Nations, is conceived in the following terms : ¹⁾

„Der dauernde Weltfriede kann nur auf dem Wege über einen Völkerbund erreicht werden, der die Gleichberechtigung der grossen und der kleinen Mächte sicherstellt. In den einleitenden Bemerkungen ist bereits hervorgehoben worden, dass diese Auffassung vom Wesen und Zwecke des Völkerbundes auch in bedeutsamen Kundgebungen leitender Staatsmänner

¹⁾ „Die Friedensverhandlungen in Versailles", p. 167.

der Alliierten und Assoziierten Mächte zum Ausdruck gebracht worden ist. Zugleich hat aber hervorgehoben werden müssen, wie weit das in dem gegnerischen Vertragsentwurf enthaltene Völkerbundstatut von dieser Auffassung abweicht.

Deutschland hat seinerseits einen eigenen Entwurf für einen Völkerbund ausgearbeitet und den Alliierten und Assoziierten Regierungen überreicht, zu dem diese in der Note vom 22. Mai 1919 Stellung genommen haben. Ohne hier auf die Ausführungen der Note einzugehen, erklärt sich die deutsche Delegation bereit, auf der Grundlage der in dem Friedensentwurf enthaltenen Völkerbundakte zu verhandeln, unter der Voraussetzung, dass Deutschland sofort bei Unterzeichnung des vereinbarten Friedensdokumentes als gleichberechtigte Macht in den Völkerbund eintritt.

Dabei muss Deutschland aber unter voller Aufrechterhaltung der Grundgedanken seines eigenen Völkerbundentwurfs und in der Erwartung, dass sich diese Grundgedanken im Laufe der Zeit durchsetzen werden, weiter fordern, dass Bestimmungen über das Wirtschaftsleben in die Völkerbundakte aufgenommen werden, die eine vollkommene Gleichberechtigung und Gegenseitigkeit aller Nationen gewährleisten. In Uebereinstimmung mit den Ausführungen des Präsidenten WILSON im Punkt 3 seiner bereits erwähnten Kongressrede vom 8. Januar 1918 wird daher folgende Ergänzung der Völkerbundakte vorgeschlagen:

„In der Ausübung von Handel, Gewerbe und Landwirtschaft sollen die Angehörigen des einen Völkerbundstaates im anderen Völkerbundstaat den Inländern gleichgestellt sein, ins besondere auch hinsichtlich der damit verbundenen Abgaben und Lasten.“

Die Völkerbundstaaten werden sich weder unmittelbar noch mittelbar an Massnahmen beteiligen, die auf eine Fortsetzung oder Wiederaufnahme des Wirtschaftskrieges abzielen. Zwangsmassnahmen des Völkerbundes bleiben vorbehalten.

Waren aller Art, die aus dem Gebiet eines Völkerbundstaates kommen oder nach einem solchen gehen, sollen in den Gebieten der Völkerbundstaaten von jeder Durchfuhraufgabe frei sein.

Der gegenseitige Verkehr soll innerhalb des Völkerbundes nicht durch Ein-, Aus- und Durchfuhrverbote gehemmt werden, soweit dies nicht aus Gründen der öffentlichen Sicherheit, der Gesundheits- und Seuchopolizei oder zur Durchführung der inneren wirtschaftlichen Gesetzgebung erforderlich ist.

Den einzelnen Völkerbundstaaten steht es frei, im Rahmen des Völkerbundes die wirtschaftlichen Beziehungen zueinander unter Berücksichtigung der besonderen Bedürfnisse durch Sonderabkommen in anderen als den vorstehend aufgeführten Beziehungen zu regeln.

Sie anerkennen als Ziel ihrer Bestrebungen die Schaffung eines Welt-handelsvertrages.

Dabei muss Vorsorge getroffen werden, dass keinem Völkerbundstaat oder einer Mehrheit von solchen das Recht zusteht, sich in die inneren wirtschaftlichen oder Verkehrsverhältnisse eines anderen Völkerbundstaates einzumischen."

Ferner muss Deutschland gemäss der Erklärung des Präsidenten WILSON vom 27. September 1918 fordern: „dass es innerhalb des Völkerbundes keine besonderen selbstischen wirtschaftlichen Kombinationen geben darf; dass keiner Anwendung irgendwelcher Form von wirtschaftlichem Boykott oder Ausschliessung zulässig ist.“

Die Deutsche Delegation stellt mit Genugtuung fest, dass der Völkerbundentwurf der Gegner eine Bestimmung enthält, die eine billige und menschliche Regelung der Arbeitsbedingungen vorsieht, und gibt der Erwartung Ausdruck, dass die Anwendung der Bestimmung die Gedanken verwirklichen wird, die der Anlage des deutschen Gegenentwurfes für den Völkerbund zugrunde liegen.

Getragen von dem Bewusstsein, dass der Völkerbund die Idee des Rechtes zur Durchführung bringen will und unter der Voraussetzung, dass Deutschland als gleichberechtigte Macht sofort mit Friedensschluss in den Völkerbund eintritt, ist die Regierung der Deutschen Republik bereit, dem grundsätzlichen Gedanken der in Teil V vorgeschlagenen Bestimmungen über Landheer, Seemacht und Luftstreitkräfte zuzustimmen. Sie ist insbesondere bereit, in die Abschaffung der allgemeinen Dienstpflicht zu willigen unter der Voraussetzung, dass dies „der Anfang einer allgemeinen Beschränkung der Rüstung aller Nationen“ ist, und dass spätestens zwei Jahre nach Friedensschluss auch die anderen Staaten entsprechend Artikel VIII der gegnerischen Völkerbundsakte Beschränkungen ihrer Rüstungen vornehmen und die allgemeine Wehrpflicht abschaffen. Die Regierung der Deutschen Republik liefert durch ihre Bereitwilligkeit, vor den anderen Mächten abzurüsten, den besten Beweis dafür, dass sie alle militärischen und imperialistischen Tendenzen dauernd entsagt.

Dabei muss die Deutsche Regierung indes verlangen, dass auch ihr eine Uebergangszeit gewährt wird. Hiernach wird für Deutschland folgende Regelung vorgeschlagen:

„Die deutschen Landstreitkräfte dürfen eine Gesamtzahl von 100000 Mann einschliesslich Offiziere und Depots nicht überschreiten. Dieses Heer ist zur Erhaltung der Ordnung innerhalb des Deutschen Reiches, zum Grenzschutz und zu den aus der Aufnahme in den Völkerbund Deutschland erwachsenden Aufgaben bestimmt.“

Während einer Uebergangszeit behält Deutschland die Befugnis zur Aufrechterhaltung derjenigen Truppenstärke, die zum Schutze der gegenwärtig stark erschütterten inneren Ordnung erforderlich ist. Die Dauer der Uebergangszeit, sowie die Truppenstärke wird besonder vereinbart und gegebenenfalls vom Völkerbund festgesetzt.

Die Organisation und Bewaffnung der Heeresmacht ist — wie jedem Mitglied des Völkerbundes — so auch Deutschland selbst zu überlassen.

Unter der Voraussetzung des Eintritts in den Völkerbund bei Friedensschluss und in der Erwartung späterer Gegenseitigkeit, ist Deutschland bereit, gemäss dem Friedensentwurf seine Festungen im Westen zu schleifen und eine militärisch unbesetzte Zone dort einzurichten.

Ueber die Art und Weise, wie in dieser Zone die innere Ordnung und Sicherheit geschützt werden soll, ist vorher eine besondere Vereinbarung zu treffen.

Deutschland ist bereit, vorbehaltlich der finanziellen Regelung, nicht nur die im Artikel 185 geforderten Ueberwasserschiffe, sondern sämtliche Linienschiffe zur Verfügung zu stellen.

Der Grundsatz, dass kein Staat einer besonderen Kontrolle über die Abrüstung, ausser der durch den Völkerbund, unterstellt ist, gilt auch für Deutschland."

Die Deutsche Regierung ist bereit, über alle weiteren Einzelheiten auf paritätischer Grundlage zu verhandeln, wobei insbesondere die notwendige Erweiterung der im Abschnitt V festgesetzten, technisch undurchführbaren Fristen, sowie die Verwertung des freiwerdenden Kriegsmaterials des Heeres und der Marine zu friedlichen, insbesondere wirtschaftlichen Zwecken, gebührender Berücksichtigung bedarf.

Auf dem Gebiete des Luftfahrtwesens ist Deutschland bereit, sich jeder Beschränkung zu unterziehen, welcher alle Mitglieder des Völkerbundes unterworfen werden, und jedem Mitglied des Völkerbundes hinsichtlich des Ueberfliegens und der Landung die Rechte zu gestatten, die Deutschland von allen anderen Mächten gewährt werden.

Zur raschen Erledigung aller Einzelheiten beantragt die Deutsche Regierung sofortige mündliche Verhandlungen. Sie behält sich vor, zu deren Vorbereitung auf die Einzelheiten der militärischen und maritimen Bedingungen des Entwurfes in einer besonderen Note einzugehen.

Es ist das höchste und wertvollste Ziel des Friedens, Sicherung dafür zu schaffen, dass dieser Krieg der letzte gewesen ist, und dass die Menschheit vor der Wiederkehr solcher furchtbaren Katastrophen bewahrt wird. Deutschland ist bereit, alles, was an ihm liegt, zu tun, um zur Erreichung dieses Ziels beizutragen. Nach den vorstehenden Vorschlägen würde es nicht seine Schuld sein, wenn die Völker in dieser Hoffnung enttäuscht

und wenn Verhältnisse geschaffen werden, die mit Naturnotwendigkeit zu neuen Kriegen führen müssten."

The reply of the Allied and Associated Powers to the observations made by the German delegation to the peace conditions, of June 16th, deals, successively, with the various sections of the Peace Treaty. The general introduction to this reply, treating of the bases of the peace negotiations, terminates with the following remarks on the League of Nations :¹⁾

„Enfin, la Délégation allemande proteste contre le fait que l'Allemagne n'a pas été invitée à contribuer à la formation de la Société des Nations à titre de membre fondateur. Toutefois, le Président WILSON n'a pas prévu de Société des Nations qui comprendrait à ses débuts l'Allemagne et l'on ne peut citer de lui aucune déclaration à l'appui de cette prétention. En fait, dans son discours du 27 septembre 1918, les conditions qui doivent présider à l'admission de l'Allemagne ont été établies avec la plus grande précision :

„Il est nécessaire de garantir la paix et cette garantie de la paix ne peut être l'objet d'une réflexion faite après coup. La raison — à parler une fois encore franchement — pour laquelle il faut que la paix soit garantie, c'est qu'il y aura des parties contractantes dont les promesses, on l'a vu, ne sont pas dignes de foi, et il faut trouver le moyen dans le règlement même des conditions de paix, de supprimer cette source d'insécurité.”

Et plus loin :

„L'Allemagne aura à se refaire une réputation, non par ce qui arrivera à la table de la paix, mais par ce qui suivra.”

Les Puissances alliées et associées escomptent l'époque où la Société des Nations établie par ce traité ouvrira son sein à tous les peuples ; mais elles ne peuvent faire abandon d'aucune des conditions essentielles à une société durable.”

Here follows what this reply says concerning Part I : “The League of Nations” :²⁾

„I. Le Pacte de la Société des Nations constitue pour les Puissances alliées et associées la base du Traité de paix. Elles en ont avec soin pesé tous les termes. Elles ont la conviction qu'il apporte dans les relations des peuples, au service de la justice et de la paix, un élément de progrès, que l'avenir confirmera et développera.

¹⁾ “Journal des Débats”, June 18th, 1919.

²⁾ “Le Temps”, June 18th, 1919.

Jamais les Puissances alliées et associées — le texte même du Traité le prouve — n'ont eu l'intention d'exclure indéfiniment de la Société ni l'Allemagne ni quelque puissance que ce soit. Elles ont pris, à cet effet, des dispositions qui s'appliquent à l'ensemble des Etats non membres et qui fixent les conditions de leur admission ultérieure.

Tout pays dont le Gouvernement aura clairement prouvé sa stabilité en même temps que sa volonté d'observer ses obligations internationales, — celles notamment qui résultent du Traité de paix — trouvera les principales Puissances alliées et associées disposées à appuyer sa demande d'admission dans la Société.

En ce qui concerne spécialement l'Allemagne, il va de soi que les événements des cinq dernières années ne sont pas de nature à justifier présentement une exception à la règle générale qui vient d'être rappelée. Dans son cas particulier, une mise à l'épreuve est nécessaire. La durée de cette épreuve dépendra, pour une large part, des actes du Gouvernement allemand, et c'est à lui qu'il appartient, par son attitude à l'égard du Traité de paix, d'abréger la période d'attente, que la Société des Nations jugera nécessaire d'établir, sans avoir jamais songé à la prolonger abusivement.

Après que ces conditions indispensables auront été remplies, les Gouvernements alliés et associés ne voient pas de raison qui puisse empêcher l'Allemagne de devenir, dans un avenir non éloigné,¹⁾ membre de la Société.

II. Les Puissances alliées et associées estiment que, contrairement à la proposition allemande, une addition au Pacte n'est pas nécessaire en ce qui concerne les questions économiques. Elles font remarquer que le Pacte prévoit que, „conformément aux prévisions des Conventions internationales présentes ou à venir, les Membres de la Société... prendront des dispositions pour assurer et maintenir la liberté des communications et du transit, et aussi un traitement équitable pour le commerce de tous les Membres de la Société”. Dès que l'Allemagne sera admise dans la Société, elle bénéficiera de ces dispositions. L'établissement de conventions générales concernant les questions de transit est en ce moment envisagé.

III. Les Puissances alliées et associées sont prêtes à accorder des garanties aux droits des minorités allemandes en matière d'éducation, de religion et de culture dans les territoires transférés de l'Empire allemand aux nouveaux Etats créés par le Traité. Ces garanties seront placées sous la protection de la Société des Nations. Les Puissances alliées et associées prennent acte de la déclaration des Délégués allemands que

¹⁾ The English text says "in the near future".

l'Allemagne est décidée à traiter sur son territoire les minorités étrangères conformément aux mêmes principes.

IV. Les Puissances alliées et associées ont déjà indiqué aux Délégués allemands que le Pacte de la Société des Nations contient des dispositions relatives à „la réduction des armements nationaux jusqu'au point minimum où elle sera compatible avec la sécurité de chaque Nation et le pouvoir de faire respecter, grâce à une action commune, les obligations internationales.“ Elles reconnaissent que l'acceptation par l'Allemagne des termes fixés pour son désarmement facilitera et hâtera la réalisation d'une réduction générale des armements et elles ont l'intention d'ouvrir immédiatement des négociations en vue de l'adoption éventuelle d'un projet de réduction générale. Il va sans dire que la réalisation d'un tel programme dépendra pour une large part de l'exécution satisfaisante par l'Allemagne de ses propres engagements.“

In the covering letter, accompanying this reply from the Allied and Associated Powers, the League is also dealt with. The text of this passage follows (Chapter VI):¹⁾

„Les Puissances alliées et associées ont examiné avec soin la demande présentée par la délégation allemande et tendant à faire admettre immédiatement l'Allemagne dans la Société des Nations. Elles ne peuvent accéder à cette demande. La révolution allemande a été retardée jusqu'aux derniers moments de la guerre, et jusqu'ici les Puissances alliées et associées n'ont aucune garantie que cette révolution représente un changement durable.

Dans l'état actuel du sentiment public international, il est impossible d'attendre des nations libres du monde qu'elles s'associent immédiatement et sur un pied d'égalité avec ceux qui leur ont causé des torts si graves. Tout essai pour obtenir ce résultat d'une manière prématurée retarderait, au lieu de la hâter, la venue d'un apaisement désiré par tous. Mais les Puissances alliées et associées croient que, si le peuple allemand démontre par des actes son intention de satisfaire aux conditions de la paix, son renoncement pour toujours à la politique agressive qui lui a aliéné le reste du monde et qui a été la cause de la guerre, et sa transformation en un peuple avec qui l'on peut vivre en bon voisinage et sur un pied de bonne entente, alors le souvenir des dernières années s'effacera rapidement, et il sera possible de compléter dans un avenir non éloigné²⁾ la Société des Nations en y admettant l'Allemagne.

Les Puissances alliées et associées désirent sincèrement qu'il puisse en

¹⁾ „Journal des Débats“, June 18th, 1919.

²⁾ The English text says: „at an early date.“

être ainsi. Elles croient que l'avenir du monde dépend de la coopération étroite et amicale de toutes les nations en vue de régler les questions internationales et de favoriser tout ce qui touche au bien et au profit de l'humanité. Mais c'est surtout de l'action du peuple allemand lui-même qu'il dépendra de rapprocher la date de son entrée dans la Société des Nations."

On June 23rd, the German Nationalversammlung authorized the Government to sign the Peace Treaty, without any reservation whatever.

The Treaty was signed at Versailles on June 28th, the Treaty thus containing, as Part I, the Covenant of the League of Nations, without Germany being admitted a member of that League.¹⁾

On that occasion, Lt. Gen. the Rt. Hon. J. C. SMUTS, the representative of the Union of South Africa at the Peace Conference, issued the following statement:²⁾

"I have signed the Peace Treaty, not because I consider it a satisfactory document, but because it is imperatively necessary to close the war; because the world needs peace above all, and nothing could be more fatal than the continuance of the state of suspense between war and peace. The months since the armistice was signed have perhaps been as upsetting, unsettling, and ruinous to Europe as the previous four years of war. I look upon the Peace Treaty as the close of those two chapters of war and armistice, and only on that ground do I agree to it.

¹⁾ With regard to this singular situation, M. BARTHOU asked, on September 24th, how it would be possible to amend the Covenant. The "Journal Officiel" gives M. PICHON's reply as follows: M. BARTHOU m'a demandé aussi si le traité formait un tout indivisible, c'est-à-dire si le Pacte de la Société des nations pourrait être modifié, si on pourrait y apporter des amendements sans toucher au traité lui-même alors que l'Allemagne n'en fait pas partie.

Je réponds: oui; tout ce qui est dans le Pacte, et le droit d'amendement qui y figure, peut être mis en pratique, que l'Allemagne en fasse ou n'en fasse pas partie. Elle a souscrit d'avance au Pacte, elle en a accepté les clauses, ces clauses pourront la lier; si on y introduit des modifications qu'elle n'aît pas acceptées, elle les acceptera plus tard.

Mais, dans tout les cas, le traité n'est pas indivisible à ce point de vue, en ce sens qu'on peut modifier, sans toucher au traité, le Pacte de l'alliance.

M. BARTHOU: Et l'Allemagne sera dans l'obligation d'accepter les modifications?

M. PICHON: Parfairement!

This question was also discussed with President WILSON by the Foreign Relations Committee ("Hearings before the Committee on Foreign Relations, United States Senate", 1919, p. 512).

²⁾ "The Arbitrator", for August, 1919, p. 61. Gen. SMUTS again gave his opinion on the international situation in his Farewell Message on the eve of his departure from England to South Africa ("The New Republic", September 17th, 1919, p. 200). Both manifestos have been published as one pamphlet by "The Athenaeum", 10 Adelphi Terrace, W. C. 2.

I say this now, not in criticism, but in faith ; not because I wish to find fault with the work done, but rather because I feel that in the Treaty we have not yet achieved the real peace to which our peoples were looking, and because I feel that the real work of making peace will only begin after this Treaty has been signed, and a definite halt has thereby been called to the destructive passions that have been desolating Europe for nearly five years. This Treaty is simply the liquidation of the war situation in the world.

The promise of the new life, the victory of the great human ideals, for which the peoples have shed their blood and their treasure without stint, the fulfilment of their aspirations towards a new international order and a fairer, better world, are not written in this Treaty, and will not be written in treaties. "Not in this mountain, nor in Jerusalem, but in spirit and in truth," as the Great Master said, must the foundations of the new order be laid. A new heart must be given, not only to our enemies, but also to us ; a contrite spirit for the woes which have overwhelmed the world ; a spirit of pity, mercy, and forgiveness for the sins and wrongs which we have suffered. A new spirit of generosity and humanity, born in the hearts of the peoples in this great hour of common suffering and sorrow, can alone heal the wounds which have been inflicted on the body of Christendom.

And this new spirit among the peoples will be the solvent for the problems which the statesmen have found too hard at the Conference. There are territorial settlements which will need revision. There are guarantees laid down, which we all hope will soon be found out of harmony with the new peaceful temper and unarmed state of our former enemies. There are punishments foreshadowed, over most of which a calmer mood may yet prefer to pass the sponge of oblivion. There are indemnities stipulated, which cannot be exacted without grave injury to the industrial revival of Europe, and which it will be in the interests of all to render more tolerable and moderate.

There are numerous pin-pricks, which will cease to pain under the healing influences of the new international atmosphere. The real peace of the peoples ought to follow, complete, and amend the peace of the statesmen.

In this Treaty, however, two achievements of far-reaching importance for the world are definitely recorded. The one is the destruction of Prussian militarism, the other is the institution of the League of Nations. I am confident the League of Nations will yet prove the path of escape for Europe out of the ruin brought about by this war.

But the League is as yet only a form. It still requires the quickening life, which can only come from the active interest and the vitalizing

contact of the peoples themselves. The new creative spirit, which is once more moving among the peoples in their anguish, must fill the institution with life and with inspiration for the pacific ideals born of this war, and so convert it into a real instrument of progress. In that way the abolition of militarism, in this Treaty unfortunately confined to the enemy, may soon come as a blessing and relief to the Allied peoples as well.

And the enemy peoples should at the earliest possible date join the League, and in collaboration with the Allied peoples learn to practice the great lesson of this war—that not in separate ambitions or in selfish domination but in common service for the great human causes lies the true path of national progress.

This joint collaboration is especially necessary to-day for the reconstruction of a ruined and broken world. The war has resulted, not only in the utter defeat of the enemy armies, but has gone immeasurably further. We witness the collapse of the whole political and economic fabric of Central and Eastern Europe. Unemployment, starvation, anarchy, war, disease, and despair stalk through the land.

Unless the victors can effectively extend a helping hand to the defeated and broken peoples, a large part of Europe is threatened with exhaustion and decay. Russia has already walked into the night, and the risk that the rest may follow is very grave indeed. The effects of this disaster would not be confined to Central and Eastern Europe. For civilization is one body, and we are all members of one another.

A supreme necessity is laid on all to grapple with this situation. And in the joint work of beneficence the old feuds will tend to be forgotten, the roots of reconciliation among the peoples will begin to grow again, and ultimately flower into active, fruitful, lasting peace.

To the peoples of the United States and the British Empire, who have been exceptionally blessed with the good things of life, I would make a special appeal. Let them exert themselves to the utmost in this great work of saving the wreckage of life and industry on the Continent of Europe. They have a great mission, and in fulfilling it they will be as much blessed as blessing.

All this is possible, and I hope capable of accomplishment: but only on two conditions. In the first place, the Germans must convince our peoples of their good faith, of their complete sincerity through a real honest effort to fulfil their obligations under the Treaty to the extent of their ability. They will find the British people disposed to meet them halfway in their unexampled difficulties and perplexities. But any resort to subterfuges or to underhand means to defeat or evade the Peace Treaty will only revive old suspicions and rouse anger and prove fatal to a good understanding.

And, in the second place, our Allied peoples must remember that God gave them overwhelming victory—victory far beyond their greatest dreams, not for small selfish ends, not for financial or economic advantages, but for the attainment of the great human ideals, for which our heroes gave their lives, and which are the real victors in this war of ideals."

THE EXCHANGE OF NOTES WITH GERMAN-AUSTRIA.¹⁾

After the greater part of the conditions of peace, with the exception of some sections, which were reserved, had been submitted to the Austrian Delegation, on June 2nd, 1919, a reply of a general character was sent, on June 10th. Several other notes followed, and on June 23rd, M. RENNER sent a note to M. CLEMENCEAU, the principal object of which was the expression of the wish that Austria should be admitted to the League of Nations. The end of this note reads as follows :²⁾

„Trotz des lebhaften Interesses und Eifers, mit dem aus den eingangs erwähnten Gründen die Delegation die Satzungen des Völkerbundes studiert hat, hält sie sich nicht für berufen, an ihm Kritik zu üben und Gegenvorschläge zu machen. Sie legt jedoch dem Kongress unter *A* Anträge vor, die eines ihrer Mitglieder ausgearbeitet hat. Professor LAMMASCH, der ausgezeichnete Völkerrechtslehrer, der am ersten und zweiten Haager Friedenskongress in hervorragender Weise mitgewirkt hat und der Welt als Friedensfreund bekannt ist, kann beanspruchen, in dieser Frage als Fachmann und Gelehrter gehört zu werden und die Delegation schliesst sich seinen Anregungen, die in der Anlage *B* begründet werden, an.

Ausserdem gestattet sich die Delegation nur eine Anregung in bezug auf den Artikel XXIII, lit. *e*. Die hier aufgestellten Bestimmungen scheinen den vom Präsidenten WILSON im Punkt 3 seiner Kongressrede vom 8. Jänner 1918 proklamierten Grundsatz "establishment of an equality of trade conditions among all the nations consenting to the peace" nicht voll durchzuführen. Der angestrebte Erfolg könnte unseres Erachtens wirksamer erreicht werden, wenn der Punkt *e* des Artikels XXIII eine Ergänzung

¹⁾ Cf. „Bericht über die Tätigkeit der deutschösterreichischen Friedensdelegation in St. Germain-Laye.” 379 der Beilagen. — Konstituierende Nationalversammlung; and WEHBERG. „Die Pariser Völkerbundakte”, p. 123.

By a Bill of October 21st, 1919, the name of "Republic of Austria", was substituted for that of "Republic of German-Austria", in order to respond to the wishes of the Allied and Associated Powers.

²⁾ „Bericht” Bd. I, p. 174.

erfahren könnte, deren Wortlaut vielleicht am besten der in der Beilage C enthaltenen Fassung anzupassen wäre.

Im übrigen erlaubt sich die deutschösterreichische Delegation nochmals die dringende Bitte zu wiederholen, dass Deutschösterreich als Mitunterzeichner des Friedens gleichzeitig mit dem Friedensschlusse selbst als gleichberechtigtes Mitglied in den Völkerbund aufgenommen werde."

Annex A contains the following suggestions, made by the late Professor LAMMASCH, with reference to Art. XII, XIII and XIV of the Covenant: ¹⁾

ARTIKEL XII.

Beilegung der Konflikte rechtlicher Natur.

Die Mitglieder des Bundes verpflichten sich, der gerichtlichen Entscheidung alle Streitfälle rechtlicher Natur zu unterwerfen, das heisst jene, die auf Grund der Prinzipien des Völkerrechtes (des allgemeinen oder des speziellen, zwischen ihnen geltenden) entschieden werden können, wenn sie nicht in angemessener Frist auf diplomatischem Wege beigelegt worden sind. Diese Entscheidung steht dem Obersten Internationalen Gerichtshofe zu, wenn nicht eine der beteiligten Parteien binnen zwei Wochen, nachdem der Gerichtshof damit befasst worden ist, die Einrede erhebt, dass die Angelegenheit ihre Lebensinteressen berührt.

ARTIKEL XIII.

Der Internationale Gerichtshof setzt sich aus (15) Richtern und aus (8) Ersatzrichtern, die in einer Vollversammlung der Mitglieder des Bundes gewählt werden, zusammen. Gewählt sind diejenigen, welche die grösste Stimmenzahl erhalten haben. Kein Staat kann mehr als ein Mitglied haben. Der Gerichtshof entscheidet in Kommissionen von (9) Mitgliedern, indem jede Partei (3) ablehnt.

Eine dreigliedrige Kommission des Gerichtshofes entscheidet die Vorfrage, ob die Einrede der Lebensinteressen begründet ist oder nicht. Diese Kommission wird von den Parteien gebildet, indem jede (6) Mitglieder ablehnt.

Im Falle die Kommission entscheidet, dass der Streitfall die Lebensinteressen einer der Parteien berührt, geht die Angelegenheit an den Schiedsgerichtshof.

Der Schiedsgerichtshof wird nach dem Muster der Akte vom Jahre 1907 über die Zusammensetzung des Haager Gerichtshofes gebildet. Die

¹⁾ „Bericht“ Bd. I, p. 176.

Entscheidungen werden jedoch in einer Kommission von (5) Mitgliedern gefällt, indem jede der Parteien das Recht hat, die Angehörigen von... Staaten auszuschliessen. Wenn die Parteien nicht binnen einem Monate über die Wahl des Präsidenten einig werden, wird dieser von einer ständigen Kommission von (19) Mitgliedern gewählt, die bei der Eröffnung jeder Tagung zu wählen sind und von denen jede der Parteien (8) Mitglieder ablehnen kann.

Die Entscheidung des Internationalen Gerichtshofes und des Schiedsgerichtshofes sind endgültig. Sie verbinden die Parteien, sie gewissenhaft durchzuführen und verpflichten die Mitglieder des Bundes zu ihrer Durchführung nach Massgabe der Bestimmungen des Statutes Hilfe zu leisten.

ARTIKEL XIV.

Beilegung der Konflikte nicht rechtlicher Natur.

Die Konflikte, die nicht gemäss den anerkannten Grundsätzen des Völkerrechtes beigelegt werden können, werden dem Vermittlungsamte unterbreitet. In Fragen der Meinungsverschiedenheit der Parteien über die Frage, ob die Angelegenheit rechtlicher Natur ist oder nicht, wird diese Vorfrage durch eine gemäss Artikel XIII, Alinea 2, zusammengesetzte Kommission des Gerichtshofes entschieden.

Das Amt besteht aus 19 von den Mitgliedern des Bundes gewählten Mitgliedern. Gewählt sind diejenigen, welche die grösste Stimmenanzahl erhalten haben. Kein Staat darf mehr als ein Mitglied haben. Wenn das Amt erkennt, dass die Angelegenheit rechtlicher Natur ist, verweist es sie vor den Internationalen Gerichtshof.

Das Amt entscheidet in Kommissionen von (5) Mitgliedern, indem jede der Parteien das Recht hat, die Angehörigen von (7) Staaten auszuschliessen. Wenn die Parteien binnen einem Monat nicht über die Wahl des Präsidenten einig werden, wird dieser von der ständigen Kommission gewählt, von welcher jede der beteiligten Parteien (8) Mitglieder ablehnt.

Die Parteien haben das Recht der Berufung an eine Exekutivkommission von (11) Mitgliedern. Jede Partei entsendet in diese Kommission (2) Mitglieder des Vermittlungsamtes, von denen eines wenigstens nicht der mit der Prüfung des speziellen Falles betrauten Kommission angehört haben darf. (6) Mitglieder werden von dem Rate des Bundes ernannt. Die Vertreter der an dem Konflikt direkt beteiligten Staaten sind von dem Rechte der Entsendung dieser Mitglieder ausgeschlossen und können auch nicht selbst ernannt werden. Das (11.) Mitglied, welches Präsident sein wird, wird von den beteiligten Parteien unter den Richtern des internationalen Gerichtshofes gewählt, indem jede Partei (7) Richter ausschliesst.

Die Entscheidung dieser Exekutivkommission ist endgültig und verpflichtet die Parteien, sich ihr gewissenhaft zu unterwerfen.

Sie verpflichtet auch die anderen Mitglieder des Völkerbundes, zu ihrer Durchführung im Bedarfsfalle mit allen durch den gegenwärtigen Vertrag ihm zur Verfügung gestellten Mitteln beizutragen.

In Annex *B*, these suggestions are commented upon as follows by Professor LAMMASCH¹⁾:

„Der Artikel XII des ersten Teiles des Friedensvertrages, betreffend den Völkerbund, begnügt sich, eine alternative Verpflichtung für die Bundesmitglieder aufzustellen, dass sie ihre die Gefahr eines Bruches zwischen ihnen beinhaltenden Zwistigkeiten entweder eirem Schiedsspruch oder einer Untersuchung durch den Rat des Bundes unterwerfen. Diese alternative Verpflichtung wird durch den Artikel XIII speziell bestimmt. In seinem ersten Absatz verpflichtet dieser Artikel alle Staaten, dem Schiedsspruch jeden Streitfall zu unterwerfen, der von den Parteien als für eine schiedsrichterliche Beilegung geeignet erklärt wird und im diplomatischen Wege nicht befriedigend geregelt werden kann. In erster Linie ist es der Wille der Parteien, der über die Art und Weise entscheidet, in welcher die Zwistigkeit ihre friedliche Lösung finden sollten. Wenn die Parteien übereinkommen, ihre Zwistigkeit dem Schiedsspruch zu unterwerfen, wird ein Schiedsspruch erfolgen, in allen anderen Fällen hat der Rat zu entscheiden. Diese Lösung erscheint sehr billig. Kann man aber hoffen, dass die Parteien in vielen Fällen zu einem Uebereinkommen gelangen werden? Im Falle einer der Staaten den Schutz eines oder mehrerer Mitglieder des Bundes genösse, würde der andere, der, obwohl er einen Schiedsspruch vorzöge, vor dem Rate zu erscheinen verpflichtet wäre, verstimmt oder wenigstens misstrauisch werden. Und vom ersten Moment des Streites an wird die Frage der Kompetenz eine neue Meinungsverschiedenheit unter den Parteien hervorrufen.“

Absatz 2 sucht zwar diesem Mangel abzuhelpfen, indem er gewisse Streitsachen als allgemein geeignet für eine schiedsrichterliche Entscheidung erklärt. Aber was heisst das, allgemein geeignet? Ist das eine *präsumptio juris et de jure*? Anscheinend nicht. Dieser Zweifel hat unseren Gegenvorschlag erzeugt. Alle für eine Lösung nach den allgemeinen Grundsätzen geeigneten Streitsachen werden einer gerichtlichen Entscheidung unterworfen werden. Diese Entscheidung wird aber entweder eine Lösung in der Art jener sein welche von den nationalen Gerichten gefällt werden, das heisst eine Entscheidung, die von einer ständigen, durch den Willen

¹⁾ „Bericht“ Bd. I, p. 178.

des Völkerbundes vermittels der Wahl von Personen, die das Vertrauen der Mehrheit der Staaten geniessen, geschaffenen ständigen Instanz getroffen wird oder eine Entscheidung schiedsrichterlichen Charakters, die von Instanzen, die durch die beteiligten Parteien geschaffen sind, gefällt wird. Im allgemeinen erscheint der erste Modus vorzuziehen.

Eine besondere logische Begründung findet dieses Verfahren in den Vereinigten Staaten von Amerika, wo die "American Society for judicial settlement of international disputes" seit 1910 eine sehr lebhafte Tätigkeit für die Errichtung eines ständigen internationalen Gerichtshofes nach Analogie ihres "Supreme Court" entfaltete. Alle Perepetien, die die unvermeidlichen Folgen der Schwierigkeiten der Errichtung eines Schiedsgerichtshofes sind, wären vermieden. Dieser ständige Gerichtshof wäre in der Lage, eine solide völkerrechtliche Basis zu schaffen und dadurch den Streitteilen die Sicherheit zu gewähren, dass die Entscheidung den Rechtsgrundsätzen entsprechen wird. Der Hauptvorteil eines solchen ständigen Gerichtshofs wird darin bestehen, soweit dies in menschlichen Angelegenheiten möglich ist, eine fast unbedingte Bürgschaft für die Unparteilichkeit seiner Urteile zu gewähren. Diese Bürgschaft wird auf den folgenden Normen beruhen:

1. Die Richter werden für eine im voraus bestimmte Reihe von Jahren, nicht für einen speziellen Fall, gewählt werden, so dass man nicht im voraus ihre Meinung über diesen Fall kennt.

2. Als Richter können nur Personen fungieren, die das volle Vertrauen der Mehrheiten jener Staaten, die den Gerichtshof errichtet haben, geniessen.

3. Von der Entscheidung der speziellen Fälle werden die Angehörigen der Streitteile ausgeschlossen sein.

4. Jede Partei wird das Recht haben, ohne Angabe von Gründen drei von den fünfzehn Richtern, die den Gerichtshof bilden, abzulehnen.

So passend ein solcher Gerichtshof für die Mehrzahl der Fälle rechtlicher Natur sein mag, wird man doch nicht leugnen können, dass bei gewissen Kategorien von Streitigkeiten die Staaten nur einem Gerichtshof ihr Vertrauen schenken, auf dessen Zusammensetzung sie in dem speziellen Falle einen gewissen Einfluss gehabt haben werden. Das werden jene Angelegenheiten sein, bei denen die Lebensinteressen einer der Parteien in Frage kommen. Für diese Fälle spricht unser Entwurf jeder Partei das Recht zu, einen Schiedsgerichtshof an Stelle eines ständigen Gerichtshofes zu fordern. Es kann offenbar nicht genügen, dass eine Partei eine Einrede in diesem Sinne erhebe, um den ständigen Gerichtshof beiseite zu schieben. Um dieses Ergebnis zu erzielen, muss diese Einrede von einer Kommission, deren Unparteilichkeit nicht in Zweifel gezogen werden

kann, als begründet anerkannt werden. Zu diesem Zwecke schlägt der Entwurf vor, eine Kommission zu schaffen, für deren Wahl jede Partei sechs Mitglieder von der Gesamtzahl von fünfzehn ablehnt. Im Falle diese Kommission entscheidet, dass der Streitfall die Lebensinteressen einer der Parteien berührt, geht die Angelegenheit an den Schiedsgerichtshof. Im gegenteiligen Falle bleibt sie der Kompetenz des internationalen Gerichtshofes unterworfen.

Der Schiedsgerichtshof wird nach dem Muster des Haager Gerichtshofes vom Jahre 1907 zusammengesetzt sein. Er wird in Kommissionen von fünf Mitgliedern entscheiden. Um die Unparteilichkeit dieser Kommissionen besser zu sichern, werden sie in einer Weise zusammengesetzt sein, die sich von der Zusammensetzung des Haager Schiedsgerichtshofes einigermassen unterscheiden wird.

Um in dem individuellen Falle Recht zu sprechen, wird jeder der Streitfälle zwei Mitglieder ernennen, die nicht seine eigenen Angehörigen sein dürfen. Die Gegenpartei wird die Befugnis haben, die Angehörigen einer bestimmten Anzahl von Staaten auszuschliessen. Die Zahl dieser Ausschliessungen wird wechseln, je nachdem die Anzahl der Staaten, die den Gerichtshof errichtet haben, grösser oder kleiner sein wird. Eine besondere Aufmerksamkeit wird der Wahl des Präsidenten zugewendet werden müssen. Bei der Eröffnung jeder Tagung wird eine ständige Kommission von 19 Mitgliedern gewählt werden. Bei der Wahl des Präsidenten wird jede Partei acht Mitglieder aus dieser Kommission entfernen, so dass drei Mitglieder übrig bleiben, die unter der Gesamtheit der Mitglieder des Gerichtshofes den Präsidenten wählen.

Aber nicht alle Konflikte sind rechtlicher Natur. Es gibt Streitigkeiten, die keine Kollision subjektiver Rechte, sondern einen Interessenkonflikt darstellen, der nicht in die Rechtssphäre gehört.

Auf diese wird man weder ein Gerichtsverfahren, noch ein schiedsgerichtliches Verfahren anwenden können. Für das eine und für das andere mangeln die abstrakten und theoretischen Grundlagen, die für die Entscheidung notwendig sind. Dies trifft vor allem bei Konflikten zu, die aus wirtschaftlichen Rivalitäten oder nationalen Bestrebungen und Forderungen nach Abschaffung von infolge eingetretener Veränderungen unanwendbar gewordenen Verträgen hervorgehen. In allen diesen Fällen muss ein Ausgleich im Geiste der Billigkeit getroffen werden, der die widersprechenden Interessen berücksichtigt und die Verhältnisse der Vergangenheit mit jenen der Gegenwart zu versöhnen weiss. Es war der erste Staatssekretär des Präsidenten WILSON, Mr. BRYAN, der zu diesem Punkte eine Ergänzung zu dem Schiedsgerichtsabkommen durch die Errichtung eines Vermittlungsrates (*conseil de conciliation*) anregte. Dieser Gedanke fand bei

nahezu allen Regierungen eine sehr günstige Aufnahme und eine grosse Anzahl von Staaten schloss ein Uebereinkommen mit den Vereinigten Staaten von Amerika, in welchem sie sich verpflichteten:

1. alle ihre Streitigkeiten, soweit sie nicht in die Kompetenz eines Gerichtshofes oder eines Schiedsgerichtshofes fallen, einem mehr oder minder ständigen Vermittlungsrate zu unterwerfen;
2. gegenseitig keine Feindseligkeiten zu eröffnen, bevor nicht der Vermittlungsrat in einer bestimmten Frist sein Gutachten abgegeben hat.

Das ist der Keim des Völkerbundes. Durch Verwandlung dieses Systems von Abkommen zwischen den verschiedenen Staaten in einen Weltvertrag ist der Völkerbund errichtet worden. Er ist der Gedanke vieler von Privaten und gelehrten Gesellschaften ausgegangener Vorschläge. Er liegt auch Vorschlägen der Skandinavischen Staaten, der Schweiz und Deutschlands zugrunde.

Alle diese Entwürfe schliessen sich in dem Vorschlage eines Vermittlungsrates zusammen, dessen Mitglieder durch die Staaten dieses Bundes gemäss dem Vertrauen, welches die Mehrheit ihnen entgegenbringen wird, gewählt werden sollen. Die Mitglieder dieses Rates werden nicht als Vertreter der betreffenden Staaten, sondern lediglich auf Grund ihrer persönlichen Verdienste berufen werden.

Wenn die Aufgabe dieses Rates darauf beschränkt wäre, ein Gutachten abzugeben, welches durch seine moralische Autorität die Entscheidung der Streitteile bestimmen sollte, ohne sie rechtlich zu verpflichten, könnte man diesen Rat auf folgenden Grundlagen errichten:

Jeder der Staaten, die sich zur Erhaltung des Friedens vereinigen, bezeichnet für eine Dauer von 5 bis 10 Jahren 4 bis 6 Personen seines Vertrauens. Aus diesem Plenum, welches zu zahlreich wäre, um selbst das Verdict zu fällen, würde man für jeden einzelnen Fall eine Spezialkommission wählen, die wie folgt zusammengesetzt wäre: Jede der beiden Parteien wählt einen ihrer Staatsangehörigen und ein anderes einem anderen Staat angehöriges Mitglied. Hinsichtlich dieses zweiten Mitgliedes hätte die Gegenpartei das Recht, eine gewisse Anzahl von Staaten zu bezeichnen, aus denen das genannte Mitglied nicht gewählt werden dürfte, um auf diese Weise jene Staaten auszuschliessen, die seinem Gegner günstiger wären. Der Präsident würde, wenn seine Ernennung nicht durch die Parteien einstimmig erfolgt, durch eine Kommission von drei Mitgliedern des Vermittlungsrates ernannt werden, die unter den 19 Mitgliedern unter Anwendung des Ablehnungsrechtes in analoger Weise wie bei der Wahl des Präsidenten der Kommissionen des Schiedsgerichtshofes gewählt würden.

Sobald man das Gutachten in ein Urteil verwandeln oder die beteiligten Parteien verpflichten will, sich dieser Entscheidung zu fügen, und die anderen Mitglieder des Bundes mit ihren moralischen, wirtschaftlichen und militärischen Kräften zur Ausführung dieses Urteiles beizutragen, erhebt sich der Zweifel, ob diese Zusammensetzung des Rates in der oben angegebenen Weise genügen wird. Es wird notwendig werden, dass dieses Organ eine Ergänzung erhalte, dass diese moralische Autorität nicht bloss der Ausdruck der Ueberzeugung der aufgeklärtesten und unabhängigesten Männer der Welt, sondern auch der Ausdruck des Willens der Nationen sei, die den grössten Einfluss auf die Leitung der Welt haben und über die nötige physische Kraft verfügen, um jeden Widerstand zu überwinden, den die beteiligten Parteien diesem Urteil entgegensetzen könnten. Zu diesem Behufe wird das von dem, wie oben angegeben, zusammengesetzten Rate gefällte Urteil nicht genügen. Aus diesem Grunde lehnt der Entwurf des Friedensvertrages jeden solchen Plan ab und errichtet den Rat des Bundes, der die Regierung der Welt in seinen Händen hält.

Diese Konstruktion ist aber offenbar nach der anderen Seite hin verfehlt. Indem man eine Autorität errichtet, der sich die ganze Welt zu fügen verpflichtet ist, schafft man eine Instanz, die nicht alle Bürgschaften für eine absolute Unparteilichkeit bieten wird. Nach diesem System werden die Vermittler (conciliateur) hervorragende Staatsmänner im Dienste ihrer Nation sein. Demzufolge wird ihre Hauptpflicht sein, das Interesse ihres Vaterlandes zu wahren. Das Interesse der Staaten, deren Streitigkeiten sie beizulegen haben werden, wird für sie erst in zweiter Linie kommen. Jeder Vermittlungsvorschlag wird von ihnen in erster Linie daraufhin angesehen werden, welche Wirkung er für ihre Staaten nach sich ziehen könnte. Ausserdem wird es schwer sein, dieses illustre Komitee in jedem auftauchenden Falle zu versammeln. Mangel an physischer Autorität ist also der Fehler des ersten Systems und Mangel an völlig befriedigenden Bürgschaften, für eine absolute Unparteilichkeit jener des zweiten. Beiden Fehlern kann man abhelfen durch die Kombination der beiden Systeme, indem man zwei Kommissionen errichtet, die eine, die erste Instanz, welche durch ihre Zusammensetzung die vollkommenste Unparteilichkeit gewährleistet, die zweite, die Berufungsinstanz, welche durch die Mehrheit ihrer Mitglieder die politische Macht der Welt repräsentiert.

Die erste wird in der im Artikel XIV, Absatz 1 und 2, die auf dem obigen Grundsatz basiert sind, angegebene Weise zusammengesetzt sein; die zweite in folgender Weise: Von insgesamt elf Mitgliedern werden sechs durch den Rat des Bundes, zwei von jeder der Parteien, welche sie unter den Mitgliedern des Vermittlungsrates wählen, ernannt und der Präsident aus dem internationalen Gerichtshof von den Parteien, deren

jede sieben Mitglieder von den insgesamt fünfzehn ablehnen wird, gewählt werden.

Von dem Zusammenarbeiten dieser beiden Kollegien erwarten wir die besten Ergebnisse. Jedes von ihnen wird auf das andere Rücksicht nehmen müssen. Das Vermittlungsamt wird die politischen und praktischen Möglichkeiten und der Erfordernisse, von denen es weiß, dass sie für die Mehrheit des anderen Kollegiums von hoher Wichtigkeit sein werden, in Betracht ziehen. Andrerseits wird die Mehrheit der Berufungsinstanz, das autoritäre Element, die Argumente der Gerechtigkeit und Billigkeit, auf welche das Amt seinen Beschluss begründet haben wird, und auf die ihre Kollegen von der Minderheit, die dem Amte und dem Gerichtshofe entnommenen Mitglieder, sich neuerdings berufen werden, nicht übersehen können. Man kann hoffen, durch diesen Vorgang eine gleichzeitig billige und realisierbare Lösung zu erhalten, welche die beiden Erfordernisse der Unparteilichkeit und der Autorität in sich vereinigen wird, die beide nötig sind, um zu einer Lösung zu gelangen, die jedermann respektieren wird.

Im Falle der Meinungsverschiedenheit der beiden Parteien über die Frage, ob die Angelegenheit rechtlicher Natur ist oder nicht, wird diese Vorfrage von einer dreigliedrigen Kommission des nach Vorschrift des Artikels XIV, Absatz 2, errichteten Gerichtshofes entschieden werden.

Dieses System wird keine Lücke aufweisen und keine Ausflucht offen lassen. Für jede Streitigkeit wird es eine internationale Instanz geben. Die einen werden dem ständigen Gerichtshof, die anderen dem Schiedsgerichtshof und die dritte Kategorie dem Vermittlungsamte und, im Fall der Berufung, noch der Exekutivkommission unterworfen sein. Jeder der Urteilsprüche dieser Instanzen wird die Parteien verbinden, sich ihm zu unterwerfen, und alle Mitglieder des Bundes verpflichten, gegebenenfalls zu seinem Vollzuge beizutragen."

Finally, an Annex C was added to the note from M. RENNER, referring to Paragraph e of Art. XXIII¹⁾ :

„Die Rechtsstellung der Angehörigen eines Völkerbundstaates in den Gebieten aller übrigen Völkerbundstaaten, der gegenseitige Verkehr innerhalb des Völkerbundes und der Gütertausch zwischen den Staaten des Völkerbundes soll, soweit dies angängig ist, auf der Grundlage der Gleichstellung aller Angehörigen von Völkerbundstaaten mit den Inländern, im übrigen auf der Grundlage der Meistbegünstigung durch einen Welt-handelsvertrag geregelt werden.

¹⁾ „Bericht“ Bd. I, p. 184.

Jeder Völkerbundstaat wird gegenüber den übrigen Völkerbundstaaten folgende Grundsätze zur Anwendung bringen:

1. Die Angehörigen eines Völkerbundstaates sind im Gebiete jedes anderen Völkerbundstaates in bezug auf persönliche Freiheit, Kultusfreiheit, Rechtsstellung und Gerichtsschutz den Inländern gleichzustellen.
2. In der Ausübung von Handel, Gewerbe und Landwirtschaft sollen die Angehörigen des einen Völkerbundstaates im anderen Völkerbundstaate den Inländern gleichgestellt sein, insbesondere auch hinsichtlich der damit verbundenen Abgaben und Lasten.

3. In keinem Völkerbundstaate dürfen die Natur- oder Gewerbeerzeugnisse eines anderen Völkerbundstaates anderen oder höheren Zöllen oder Lasten einschliesslich der inneren Abgaben, unterworfen werden, als die gleichen Erzeugnisse irgendeines anderen Staates. Ebenso wenig dürfen die aus einem Völkerbundstaate nach einem anderen Völkerbundstaate ausgeführten Erzeugnisse anderen oder höheren Zöllen oder Lasten, einschliesslich der inneren Abgaben, unterworfen werden, als von gleichen Waren bei der Ausfuhr nach irgendeinem fremden Lande zu entrichten sind.

4. Alle Begünstigungen, Befreiungen und Vorzugsrechte in bezug auf die Einfuhr, Ausfuhr oder Durchfuhr von Waren, die ein Völkerbundstaat irgendeinem anderen Staate einräumt, sollen gleichzeitig und bedingungslos, ohne besonderen Antrag und ohne Gegenleistung auf alle Völkerbundstaaten ausgedehnt werden.

Diese Bestimmung findet keine Anwendung auf jene Begünstigungen, Befreiungen oder Vorzugsrechte, die im Verkehre zwischen einzelnen Staaten und ihren Kolonien bestehen.

5. Der gegenseitige Verkehr soll innerhalb des Völkerbundes nicht durch Ein-, Aus- und Durchfuhrverbote gehemmt werden, soweit dies nicht aus Gründen der öffentlichen Sicherheit, der Gesundheits- und Seuchenpolizei erforderlich ist.

6. Waren aller Art, die aus dem Gebiete eines Völkerbundstaates kommen oder nach einem solchen gehen, sollen in den Gebieten der Völkerbundstaaten von jeder Durchfuhrabgabe frei sein.

7. Kein Völkerbundstaat darf die See- und Binnenschiffahrt eines anderen Völkerbundstaates ungünstiger behandeln als diejenige des eigenen oder des meistbegünstigten Landes. Dies gilt insbesondere für die Benutzung der Einrichtungen für die Versorgung der Schiffe mit Feuerungs- und Betriebsstoffen. Die Küstenschiffahrt wird durch ein besonderes Abkommen geregelt. Wegen der Seetüchtigkeit der Schiffe und der Bordverhältnisse werden bis zur Regelung durch den Völkerbund die Gesetze des Flaggenstaates als massgebend anerkannt."

On July 9th, M. CLEMENCEAU sent the following reply to the above note. Here follows the full text of that reply:¹⁾

„J'ai l'honneur de faire parvenir à Votre Excellence la réponse des Puissances alliées et associées à la note de la Délégation autrichienne en date du 23 juin 1919, relative à la Société des nations.

1°. Les principales Puissances alliées et associées prennent note avec satisfaction de l'adhésion de la Délégation autrichienne au projet d'une Société des nations et aux principes sur lesquels cette Société a été fondée par le pacte inclu dans les conditions de paix. Elles sont heureuses d'apprendre que le Gouvernement autrichien est convaincu comme elles que l'institution de cette Société des nations conduira au maintien de la paix dans des parties du monde qui jusqu'à présent ont été des centres de froissements et de mal entendus internationaux.

2°. Les principales Puissances alliées et associées ont examiné avec le plus grand soin la demande faite par la Délégation autrichienne tendant à ce que Son pays soit admis à faire partie comme membre originaire de la Société des nations. Il n'a jamais été dans leurs intentions d'exclure pendant longtemps l'Autriche de la Société des nations, au contraire elles tiennent à déclarer de nouveau qu'elles ont l'espérance et la conviction que la Société des nations ouvrira ses portes le plus rapidement possible à toutes les nations auxquelles on peut faire confiance pour l'exécution des obligations qui sont acceptées par les membres de la Société. Elles doivent faire cependant observer qu'en insistant sur l'admission immédiate de l'Autriche dans la Société des nations comme absolument indispensable pour la sûreté de son territoire, la Délégation autrichienne s'est servie d'arguments qui semblent indiquer qu'elle n'apprécie pas à leur juste valeur les dispositions du Pacte. Néanmoins les principales Puissances alliées et associées reconnaissent toute la force de la demande présentée par la Délégation autrichienne. Elles apprécient, comme il convient les preuves qu'a données l'Autriche par son attitude jusqu'à ce jour de ses bonnes intentions. Elles ne voient aucune raison qui empêcherait l'Autriche de demander son admission dans la Société des nations en vertu des dispositions de l'article 1er du Pacte aussitôt que l'occasion s'en présentera après la ratification du Traité de paix. Dès qu'elles seront assurées que l'Autriche possède un gouvernement responsable et que ce gouvernement aura montré qu'il veut et qu'il peut remplir ses obligations internationales, elles sont prêtes à appuyer la candidature de l'Autriche à l'admission dans la Société des nations.

1) „Bericht“ Bd. I, p. 318.

3°. Les Puissances alliées et associées ont étudié avec le plus grand soin les intéressantes propositions présentées par le docteur LAMMASCH dans les annexes *A* et *B* de la note autrichienne relativement au règlement des différends internationaux et au détail de l'organisation d'une Cour permanente de justice internationale prévue dans le Pacte. Elles comprennent toute la valeur de certaines propositions du docteur LAMMASCH ; mais si elles estiment que l'organisation immédiate d'une Cour permanente est de la plus haute importance, elles n'ont pas cru possible ou opportun d'incorporer dans le Pacte lui même les dispositions de détail qui sont requises pour sa constitution. Elles soumettront les annexes *A* et *B* de la note autrichienne à l'examen du Conseil de la Société des nations, lorsqu'il entreprendra de préparer un projet de Cour permanente en conformité de l'article XIV du Pacte.

4°. En outre, les principales Puissances alliées et associées ne sont pas d'avis qu'une addition au Pacte du genre de celle qui est proposée dans l'annexe *C* relativement à l'article XXIII soit pour le moment ou nécessaire ou possible. Elles désirent faire remarquer qu'aux termes de l'article XXIII la liberté du transit ainsi qu'un équitable traitement du commerce de tous les membres de la Société seront garantis sous la réserve et en conformité des dispositions des conventions internationales actuellement existantes ou qui seront ultérieurement conclues. Elles sont persuadées que lorsque les membres de la Société des nations en viendront à rédiger la convention internationale prévue dans cet article, les propositions contenues dans l'annexe *C* de la note de la Délégation autrichienne seront examinées avec toute l'attention qui leur est due."

On July 20th, the completed and amended text of the Treaty was presented to the Austrian delegation. Austria was allowed a period of 10 days to send in its observations in writing. At the request of the Austrian Delegation, this period was extended, and on August 6th, M. RENNER, had the text of the counter-proposals forwarded to the Secretariat of the Conference, with a covering note.

These counter-proposals treat successively the various articles of the draft Peace Treaty.

Regarding Part I, "The League of Nations", the Austrian Government makes the following observations : ¹⁾

„Toujours convaincue que des intérêts vitaux de l'Autriche Allemande réclament son admission dans un bref délai à la Société des Nations, la

¹⁾ „Bericht“ Bd. II, p. 95.

Délégation autrichienne allemande a appris, avec une vive satisfaction, par la note de M. le Président de la Conférence de la Paix en date du 8 juillet 1919, que les Puissances alliées et associées apprécient à sa juste valeur la prière formulée par elle à cet égard et qu'elles sont disposées à appuyer à leur tour toutes les démarches que l'Autriche Allemande pourrait entreprendre immédiatement après la ratification du Traité de Paix, afin de devenir membre de la Société des Nations."

When on September 2nd, the final text of the conditions of peace between the Entente and Austria had been submitted to M. RENNER, one of the documents attached, was the covering letter containing the reply given by the Allied and Associated Powers to the President of the Austrian delegation. It contains the following passage, with regard to the League of Nations :¹⁾

„La Société des Nations, dans laquelle les Puissances alliées et associées espèrent que la République d'Autriche sera admise à une date très rapprochée, n'est pas seulement la protectrice des droits et des libertés de l'Autriche.

Elle ne protégera pas seulement les droits de tous les signataires du Traité, elle institue aussi l'organisme, grâce auquel pourront intervenir, dans le calme et la légalité, tous arrangements que les événements ou des circonstances nouvelles rendraient nécessaires dans le règlement même de la Paix. Il convient de ne pas oublier ce caractère du règlement proposé.”

In the Nationalversammlung, at the session of September 6th, M. RENNER proposed signing the Peace Treaty, and he again expressed the hope that the League of Nations would remove the wrong done by the Treaty of St. Germain. After the acceptance of the HAUSER-resolution, the Nationalversammlung decided to authorize State Chancellor RENNER, to sign the Peace Treaty. Signing took place on September 10th, at St. Germain. The same remark must be made with regard to Austria, as with regard to Germany, viz: Austria signed a Treaty containing the Covenant of the League of Nations, without that country by so doing becoming a member of that League.

¹⁾ „Bericht” Bd. II, p. 315.

3. CLAUSES IN THE PEACE TREATIES DEALING WITH THE LEAGUE OF NATIONS.

THE PEACE TREATY WITH GERMANY.

A survey is given here of the stipulations in the Peace Treaty, in which the League of Nations is spoken of, Parts I and XIII of the Peace Treaty, which are respectively devoted to the Covenant of the League itself, and International Labour Legislation, being left out of consideration.¹⁾

I. OBLIGATIONS SUBJECT TO TIME LIMITS.

Appointment of three members on the commission to trace, on the spot, the frontier of the Saar basin²⁾.

ARTICLE 48. A Commission composed of five members, one appointed by France, one by Germany and three by the Council of the *League of Nations*, which will select nationals of other Powers, will be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described above.

Administration of the Saar Basin during 15 years, to date from the coming into force of the Peace Treaty. Appointment of the members of the Governing Commission³⁾. On the expiration of the period of 15 years, decision concerning the sovereignty, under which the territory is to be placed in future.

ARTICLE 49. Germany renounces in favour of the *League of Nations*, in the capacity of trustee, the government of the territory defined above.

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed.

§ 17 OF THE ANNEX AFTER ART. 50. The Governing Commission provided for by § 16 shall consist of five members chosen by the Council of the *League of Nations*, and will include one citizen of France, one native inhabitant of the Saar Basin, not a citizen of France, and three members belonging to three countries other than France or Germany.

¹⁾ The Message of the Swiss Federal Council of August 4th, 1919, the report of the Norwegian Committee of September 22nd, 1919, the "League of Nations Journal", for September, 1919, M. BARTHOU's report, and Mr. WILSON's speech to the Senate of July 10th, 1919, all give a similar survey.

²⁾ See p. 262.

³⁾ See p. 271.

§ 35 OF THE ANNEX AFTER ART. 50. The *League of Nations* shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting:

(a) If, for the whole or part of the territory, the *League of Nations* decides in favour of the maintenance of the régime established by the present Treaty and this Annex, Germany hereby agrees to make such renunciation of her sovereignty in favour of the *League of Nations* as the latter shall deem necessary. It will be the duty of the *League of Nations* to take appropriate steps to adapt the régime definitively adopted to the permanent welfare of the territory and the general interest;

(b) If, for the whole or part of the territory, the *League of Nations* decides in favour in union with France, Germany hereby agrees to cede to France in accordance with the decision of the *League of Nations* all rights and title over the territory specified by the *League*;

(c) If, for the whole or part of the territory, the *League of Nations* decides in favour of union with Germany, it will be the duty of the *League of Nations* to cause the German Government to be re-established in the government of the territory specified by the *League*.

Decision on the sovereignty of the Kreise of Eupen and of Malmédy, about six months after the Peace Treaty shall have come into force.

ARTICLE 34. Germany renounces in favour of Belgium all rights and title over the territory comprising the whole of the Kreise of Eupen and of Malmédy.

During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authorities at Eupen and Malmédy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

The results of this public expression of opinion will be communicated by the Belgian Government to the *League of Nations*, and Belgium undertakes to accept the decision of the *League*.

2. OBLIGATIONS NOT SUBJECT TO TIME LIMITS.

Protection of the Free town of Dantzig.

ARTICLE 102. The Principal Allied and Associated Powers undertake to establish the town of Danzig together with the rest of the territory described in Article 100 as a Free City. It will be placed under the protection of the *League of Nations*.

Appointment of a High Commissioner to draw up a Constitution for Dantzig.¹⁾ The League of Nations guarantees that Constitution.

ARTICLE 103. A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the *League of Nations*. This constitution shall be placed under the guarantee of the *League of Nations*. . . .

Institution of a tribunal *re* obligations regarding the navigation of the international portion of a navigable system.

ARTICLE 336. In default of any special organisation for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take suitable measures to remove any obstacle or danger to navigation and to ensure the maintenance of good conditions of navigation.

If a State neglects to comply with this obligation any riparian State, or any State represented on the International Commission, if there is one, may appeal to the tribunal instituted for this purpose by the *League of Nations*.

ARTICLE 337. The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water-power, fisheries, and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Commission, if there is one, shall be given priority over the requirements of navigation.

Appeal to the tribunal of the *League of Nations* does not require the suspension of the works.

Institution of a jurisdiction for the settlement of any disputes that might arise from the clauses having reference to the Kiel Canal.

ARTICLE 386. In the event of violation of any of the conditions of Articles 380 to 386, or of disputes as to the interpretation of these Articles, any interested Power can appeal to the jurisdiction instituted for the purpose by the *League of Nations*.

In order to avoid reference of small questions to the *League of Nations*, Germany will establish a local authority at Kiel qualified to deal with disputes in the first instance and to give satisfaction so far as possible to complaints which may be presented through the consular representatives of the interested Powers.

¹⁾ See p. 273.

3. OBLIGATIONS OF THE LEAGUE IN CERTAIN CASES.

In case of difference, as to the terms of Conventions to be concluded between Germany and Poland, settlement of same.

ARTICLE 98. Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into Conventions of which the terms, in case of difference, shall be settled by the Council of the *League of Nations*, with the object of securing, on the one hand to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.

Selection of the Presidents of the Mixed Arbitral Tribunals, in case of failure to reach agreement between the two Governments interested.

ARTICLE 304. (a) Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons either of whom may in case of need take his place, shall be chosen by the Council of the *League of Nations*, or, until this is set up, by M. GUSTAVE ADOR if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

Decision, in case of difference of opinion, concerning the revival of bilateral treaties or conventions with Germany.

ARTICLE 289. Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany.

The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Germany. The date of the revival shall be that of the notification.

The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with the terms of the present Treaty.

The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present Treaty, shall not be considered as revived.

In case of any difference of opinion, the *League of Nations* will be called on to decide.

Settlement of disputes with regard to the clauses of Part XII
"Ports, Waterways and Railways."

ARTICLE 376. Disputes which may arise between interested Powers with regard to the interpretation and application of the preceding Articles shall be settled as provided by the *League of Nations*.

Selection of three States to be represented on an International Commission for the administration of the Niemen, in the event of a request to this effect being addressed to the League of Nations.

ARTICLE 342. On a request being made to the *League of Nations* by any riparian State, the Niemen (Russstrom-Memel-Niemen) shall be placed under the administration of an International Commission, which shall comprise one representative of each riparian State, and three representatives of other States specified by the *League of Nations*.

Decision on the recommendations of the Commissions instituted for the arrangement of social and state insurance in the territories ceded by Germany.

ARTICLE 312. Without prejudice to the provisions contained in other Articles of the present Treaty, the German Government undertakes to transfer to any Power to which German territory in Europe is ceded, and to any Power administering former German territory as a mandatory under Article XXII of Part I (League of Nations), such portion of the reserves accumulated by the Government of the German Empire or of German States, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

The Powers to which these funds are transferred must apply them to the performance of the obligations arising from such insurances.

The conditions of the transfer will be determined by special conventions to be concluded between the German Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the German Government, one by the other interested Government and three by the Governing body of the International Labour Office from the nationals of other States. This Commission shall by majority vote within three months after appointment adopt recommendations for submission to the Council of the *League of Nations*, and the decisions of the Council shall forthwith be accepted as final by Germany and the other Government concerned.

4. POWERS OF THE LEAGUE.

To consent to an alteration of the frontiers of Austria.

ARTICLE 80. Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the *League of Nations*.

Modification of the Table of armaments fixed for Germany.

ARTICLE 164. Up till the time at which Germany is admitted as a member of the League of Nations the German Army must not possess an armament greater than the amounts fixed in Table No. II annexed to this Section, with the exception of an optional increase not exceeding one-twenty-fifth part for small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the *League*. Furthermore she hereby agrees strictly to observe the decisions of the Council of the *League* on this subject.

Investigation in Germany, concerning the carrying out of the military, naval and aerial clauses.

ARTICLE 213. So long as the present Treaty remains in force, Germany undertakes to give every facility for any investigation which the Council of the *League of Nations*, acting if need be by a majority vote, may consider necessary.

Extension of the period of five years, at the expiration of which various economic clauses cease to be of effect.

ARTICLE 280. The obligations imposed on Germany by Chapter I and by Articles 271 and 272 of Chapter II above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the *League of Nations* shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Article 276 of Chapter IV shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the *League of Nations*.

Approval of general conventions concerning the régime of international means of transit, waterways, ports or railways.

ARTICLE 338. The régime set out in Articles 332 to 337 above shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the *League of Nations*, relating to the waterways recognized in such Convention as having an international character.

ARTICLE 379. Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Germany undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the *League of Nations* within five years of the coming into force of the present Treaty.

Suggestion of the revision of some of the clauses of Part XII "Ports, Waterways and Railways."

ARTICLE 377. At any time the *League of Nations* may recommend the revision of such of these articles as relate to a permanent administrative régime.

Revision of some of the articles of Part XII "Ports, Waterways and Railways", and extension of the period of five years during which reciprocity cannot be demanded.

ARTICLE 378. The stipulations in Articles 321 to 330, 332, 365, and 367—369 shall be subject to revision by the Council of the *League of Nations* at any time after five years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of five years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of five years during which reciprocity cannot be demanded may be prolonged by the Council of the *League of Nations*.

THE PEACE TREATY WITH AUSTRIA.

Several articles, referring to the League of Nations in the Peace Treaty with Austria, are in conformity with articles inserted in the Treaty with Germany. These articles are Nos. 159, 232, 241, 256, 275, 297, 298, 299, 328, 329, 330, 331 of the Treaty of Peace with Austria, and they reproduce what is laid down in Arts. 213, 280, 289, 304, 312, 336, 337, 338, 376, 377, 378, 379 in that with Germany. It is remarked that Arts. 297, 298, 299 in conjunction with Art. 308, refer exclusively to the Danube and to any construction of a Rhine-Danube waterway, while the corresponding articles of the Treaty with Germany, refer to the Danube and certain other rivers.

In the Treaty with Austria, there are further a certain number of cases in which, if no agreement is attained in another manner, the decision is entrusted to an arbitrator to be appointed by the Council of the League of Nations. The instances are as follow :

ARTICLE 309. In default of any provisions to the contrary, when as the result of the fixing of a new frontier the hydraulic system (canalisation, inundations, irrigation, drainage, or similar matters) in a State is dependent on works executed within the territory of another State, or when use is made on the territory of a State, in virtue of pre-war usage, of water or hydraulic power, the source of which is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them. Failing an agreement, the matter shall be regulated by an arbitrator appointed by the Council of the *League of Nations*.

ARTICLE 310. Unless otherwise provided, when use is made for municipal or domestic purposes in one State of electricity or water, the source of which as the result of the fixing of a new frontier is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them.

Pending an agreement, central electric stations and waterworks shall be required to continue the supply up to an amount corresponding to the undertakings and contracts in force on November 3rd, 1918.

Failing an agreement, the matter shall be regulated by an arbitrator appointed by the Council of the *League of Nations*.

ARTICLE 320. With the object of ensuring regular utilization of the railroads of the former Austro-Hungarian Monarchy owned by private companies which, as a result of the stipulations of the present Treaty, will be situated in the territory of several States, the administrative and technical reorganization of the said lines shall be regulated in each instance by an agreement between the owning Company and the States territorially concerned.

Any differences on which agreement is not reached, including questions relating to the interpretation of contracts concerning the expropriation of the lines, shall be submitted to arbitrators designated by the Council of the *League of Nations*. . . .

The same occurs twice in Art. 327, this article stating, moreover, that any dispute as to the interpretation of that article, or of the Convention, referred to in paragraph 5, shall be submitted for decision to the Permanent Court of International Justice.

ARTICLE 327. In view of the geographical situation of the Czecho-Slovak State Austria agrees to the following modifications in the International Telegraph and Telephone Conventions referred to in Article 235, Part X (Economic Clauses), of the present Treaty:

(1) On the demand of the Czecho-Slovak State Austria shall provide and maintain trunk telegraph lines across Austrian territory.

(2) The annual rent to be paid by the Czecho-Slovak State for each of such lines will be calculated in accordance with the provisions of the above-mentioned Conventions, but unless otherwise agreed shall not be less than the sum that would be payable under those Conventions for the number of messages laid down in those Conventions as conferring the right to demand a new trunk line, taking as a basis the reduced tariff provided for in Article 23, paragraph 5, of the International Telegraph Convention as revised at Lisbon.

(3) So long as the Czecho-Slovak State shall pay the above minimum annual rent of a trunk line:

(a) the line shall be reserved exclusively for transit traffic to and from the Czecho-Slovak State;

(b) the faculty given to Austria by Article 8 of the International

Telegraph convention of July 22nd, 1875, to suspend international telegraph services shall not apply to that line.

(4) Similar provisions will apply to the provision and maintenance of trunk telephone circuits, but the rent payable by the Czecho-Slovak State for a trunk telephone circuit shall, unless otherwise agreed, be double the rent payable for a trunk telegraph line.

(5) The particular lines to be provided together with any necessary administrative, technical, and financial conditions not provided for in existing International Conventions or in this Article shall be fixed by a further Convention between the States concerned. In default of agreement on such Convention they will be fixed by an arbitrator appointed by the Council of the *League of Nations*.

(6) The stipulations of the present Article may be varied at any time by agreement between Austria and the Czecho-Slovak State. After the expiration of ten years from the coming into force of the present Treaty the conditions under which the Czecho-Slovak State shall enjoy the rights conferred by this Article may, in default of agreement by the parties, be modified at the request of either party by an arbitrator designated by the Council of the *League of Nations*.

(7) In case of any dispute between the parties as to the interpretation either of this Article or of the Convention referred to in paragraph 5, this dispute shall be submitted for decision to the Permanent Court of International Justice to be established by the *League of Nations*.

There is one other case where a certain authority is given to the Council of the League, to effect an arrangement, in this instance without there being any question of failing to come to an agreement.

ARTICLE 321. Within a period of five years the coming into force of the present Treaty, Italy may require the construction or improvement on Austrian territory of the new transalpine lines of the Col de Reschen and the Pas de Predil. Unless Austria decides to pay for the works herself, the cost of constructions or improvement shall be paid by Italy. An arbitrator appointed by the Council of the *League of Nations* shall, after the lapse of such period as may be fixed by the Council, determine the portion of the cost of construction or improvement which must be repaid by Austria to Italy on account of the increase of revenue on the Austrian railway system resulting from these works.

In Art. 324, the Council is authorized to set up some other procedure for the settling of certain disputes and to set aside the rule provisionally established, according to which an arbitrator nominated by Great Britain shall decide the points at issue.

ARTICLE 324. The technical, administrative and financial conditions under which the rights of the Czecho-Slovak State shall be exercised shall be laid down in a Convention between the Railway Administration of the Czecho-Slovak State and the Railway Administrations of the Austrian systems concerned. If the Administrations cannot come to an agreement on the terms of this Convention, the points of difference shall be decided by an arbitrator nominated by Great Britain, and his decisions shall be binding on all parties.

In the event of disagreement as to the interpretation of the Convention or of difficulties arising unprovided for in the Convention, the same form of arbitration will be adopted until such time as the *League of Nations* may lay down some other procedure.

Further Art. 88 of the Treaty with Austria, concerning the independence of that State, is in accordance with Art. 80 of the Treaty with Germany:

ARTICLE 88. The independence of Austria is inalienable otherwise than with the consent of the Council of the *League of Nations*. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the *League of Nations*, by participation in the affairs of another Power.

From the point of view of the League of Nations, another important part of the Treaty with Austria, is Section V of Part III, entitled "Protection of minorities." Here follows the text:

ARTICLE 62. Austria undertakes that the stipulations contained in this Section shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

ARTICLE 63. Austria undertakes to assure full and complete protection of life and liberty to all inhabitants of Austria without distinction of birth, nationality, language, race or religion.

All inhabitants of Austria shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

ARTICLE 64. Austria admits and declares to be Austrian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (*per tinenza*) within Austrian territory who are not nationals of any other State.

ARTICLE 65. All persons born in Austrian territory who are not born nationals of another State shall *ipso facto* become Austrian nationals.

ARTICLE 66. All Austrian nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Austrian national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Austrian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Austrian Government of an official language, adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 67. Austrian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Austrian nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions; schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

ARTICLE 68. Austria will provide in the public educational system in towns and districts in which a considerable proportion of Austrian nationals of other than German speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Austrian nationals through the medium of their own language. This provision shall not prevent the Austrian Government from making the teaching of the German language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Austrian nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

ARTICLE 69. Austria agrees that the stipulations in the foregoing Articles of this Section, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the *League of Nations*. They shall not be modified without the assent of a majority of the Council of the

League of Nations. The Allied and Associated Powers represented on the Council severally agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Austria agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Austria further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Austrian Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Austrian Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER III.

NEUTRALS AND THE LEAGUE.

1. PREPARATORY WORK IN THE NEUTRAL COUNTRIES.¹⁾

a. THE NETHERLANDS.

On December 20th, 1917, Dr. DRESSELHUYSEN, in the Second Chamber, suggested that the Foreign Minister should appoint a commission to study the question of the League to Enforce Peace. As a result of this the Foreign Secretary instructed the "Commission for the preparation of the Third Peace Conference", that was instituted in 1911 to take up this question.

In 1918, this Commission produced a first report to the Foreign Secretary, a report that has, so far, not been published. On January 20th, 1919, the Commission produced a second report, and an official communiqué, published in the Dutch press on January 28th, stated the following :

"H. M's. Legation at Paris, and Jhr. LOUDON, have recently been given instructions to acquaint the Peace Conference, and President WILSON, with the report received some little while ago from the "Commission for the preparation of the Third Peace Conference" concerning the principles that might serve as a foundation for a League of Nations.

The intention is, subject to the views of the Government, with regard to details, to give evidence, with this, of the interest taken by the Netherlands in this question, and to place the particulars at hand at the disposition of the Conference.

¹⁾ The following gives a survey of official acts and documents, from neutral countries concerning the League of Nations, which survey runs till the Conference with the Neutrals at Paris on March 20th and 21st, 1919.

It had already been brought to the notice of the Conference that the Government expected that, in the event of questions or matters being brought forward in which the Netherlands were involved or affecting the States generally, as such, this country should be admitted to the discussions."

On February 12th, 1919, the written Report of the First Chamber on the Foreign Office estimates appeared, containing, i. a. the following remarks on the League of Nations :

"Though, in general, sympathy was expressed for this far reaching reform, the possibility was pointed to that the name 'League of Nations' might be used for a supremacy of the interests of a certain group of States.

On the one hand careful consideration of the attitude of our country was urged for, while on the other hand, it was desired that our Government should do its utmost to steer the plan in the right direction."

In his Memorandum of Reply¹⁾, the Secretary for Foreign Affairs made the following remarks :

"The undersigned joins in the sympathy expressed by several members for this far reaching reform. The plan that is now being considered is deserving of attention, in a very high degree, as the introduction to a period in the community of States that opens up for the further development of international relations, and for the interests of humanity entirely new prospects. The undersigned acknowledges that the equality of rights of the States is a very important factor for the confidence that, especially the small States, will have to put in the League of Nations. Meanwhile we may venture to hope that the first beginning need not be any obstacle to further development upon a broader basis in the future. In the conviction of the undersigned, it is a matter for the Netherlands that — just as he wrote in his Memorandum of Reply to the Second Chamber on the 1919 estimates — were called upon, at the time, to occupy a special place in the service of international relations and in the building up of international law, to welcome, on the whole, with satisfaction the establishment of the League of Nations. There is reason for this country, in judging this great effort to call into being such a League, not to allow criticism to have the preponderance."

An official communiqué was issued on January 28th, stating that the Commission's report had been deposited with the Second Chamber for perusal by the members, but for some time that report still remained secret for the rest of the public. On March 18th, in reply

¹⁾ This Memorandum of Reply was inserted in the final Report of the First Chamber of March 4th, 1919.

to a question asked by Dr. DRESSELHUYSEN, the Foreign Secretary declared that there was no longer any objection to publishing the above report¹⁾ and it was published on March 20th. It consists of a number of principles with a short explanatory Memorandum.²⁾

On March 15th, the Commission produced another report in the form of a letter from the Chairman Dr. J. A. LOEFF to the Foreign Secretary, which letter deals with the Draft Covenant of February 14th.³⁾

b. SCANDINAVIA.

According to resolutions passed at the meetings that had been held several times, between the Prime Ministers and the Foreign Ministers of the three Scandinavian countries, commissions, entrusted with the study of the problem of safeguarding the common interests of the neutral States, at the termination of the war, were instituted.

In two reports, dated, respectively December 9th and 21st, 1918, the Norwegian⁴⁾ and Swedish Commissions reported to the Foreign Ministers of their respective countries the results of the labours of the three Scandinavian Commissions. These reports contain a joint scheme "Avant-projet de convention sur une organisation juridique internationale".⁵⁾

On February 3rd, 1919, the Norwegian Storting resolved to send a telegram to the Peace Conference, in which it expressed itself in favour of the establishment of the League of Nations, in order to prevent future wars. The message says, i. a. :

"The establishment of a League of Nations, based upon the principles of right, liberty and peace, and providing for the admission of all civilized nations, will be greeted by the Norwegian people as one of the greatest steps in the history of humanity."

On February 24th, another debate took place on the League of Nations in the Storting.⁶⁾

¹⁾ "Nieuwe Rotterdamsche Courant", March 18th, 1919.

²⁾ See "Mededeelingen van de Nederlandsche Vereeniging voor Internationaal Recht" N°. 11a p. 22. A French translation will be found in "Grotius", Annuaire International pour 1918, p. 115.

³⁾ Published in the Dutch papers of March 26th, 1919.

⁴⁾ The Norwegian Commission which had been instituted on March 2nd, 1918 had drafted an earlier report under date of May 23rd, 1918.

⁵⁾ Cf. "La Scandinavie et la Société des Nations", in "La Paix des Peuples", March 25th, 1919, p. 484. The draft Convention was also published in "Mededeelingen van de Nederlandsche Vereeniging voor Internationaal Recht" N°. 11, p. 17.

⁶⁾ "League of Nations Journal", for April, 1919, p. 139.

On March 14th, the official Norwegian Commission on the League of Nations produced another report to the Government, which dealt with the Draft Covenant of February 14th.¹⁾ This report's conclusion was, that the Commission advised Norway's entering into negotiations for the establishment of a League of Nations, on the basis of the Draft of February 14th, but that in doing so the Norwegian Government should urge a certain number of amendments.

This report served as the basis for the instructions given by the Norwegian Government to its delegates at the Conference with the Neutrals on March 20th and 21st.

King GUSTAV of Sweden, in his speech from the Throne, at the opening of the Riksdag on December 28th, 1918 said: "In co-operation with the Governments of Norway and Denmark, I have prepared for our taking part in the work for a League of Nations, and I hope that Sweden may be able to contribute to the realization of this great international reform."²⁾

c. SPAIN.

By a Royal Decree, dated December 9th, 1918, a Committee of 14 members, was instituted, entrusted with the task of studying, from a national point of view, the creation of a League of Nations, special regard being given to the adherence of Spain. At the beginning of February, 1919, this Committee met at the Ministry of Foreign Affairs. Some information was given concerning the work of the Paris Conference, and it was resolved to embody the work of the Committee in four reports, dealing with *a*) general and juridical questions, *b*) economic questions, *c*) military questions, *d*) questions concerning international labour legislation.

The opinion expressed by the Spanish delegates, at the Conference with the Neutrals on March 20th and 21st, was based on the reports of this Committee; up till the present, as far as we know, no report of the Committee has been published.

d. SWITZERLAND.

On May 4th, 1918, the Federal Council ordered the Political Department to nominate an Advisory Commission to examine the problems

¹⁾ „Uttalelse avgitt den 14. Mars 1919 av den Norske Komite till orberedelse av varetagelsen av de noitrale Staters fællesinteresser ved eller efter krigens slutning.“

²⁾ "League of Nations Journal", for February, 1919, p. 64.

with reference to the reorganization of International Law, after the war. ¹⁾ By a decision of September 18th, 1918, that Commission was considerably enlarged.

On the occasion of the investigation of the report on the administration of the Political Department, the President of the Swiss Confederation, M. CALONDER, in a speech delivered to the National Council, on June 6th, 1918 ²⁾, explained the attitude adopted by the Federal Council with respect to the League of Nations.

The legal adviser to the Political Department, prepared a report on the whole of the problems concerning the League of Nations, and this report served as the basis of the discussions of the first session of the Advisory Commission. At a second session, that Commission discussed a draft Covenant and a constitution of the League of Nations.

In a report of February 11th, 1919, the Federal Council brought to the knowledge of the Federal Assembly, and simultaneously to the Swiss people, the documents dated November 1918—January 1919, entitled „Avant-projet d'un Pacte fédéral de la Ligue des Nations” and „Statut Constitutionnel de la Ligue des Nations.” A memorandum concerning Switzerland's neutrality, dated February 8th, was added to this report. ³⁾

In a note of November 20th, 1918, the Swiss Government asked the Allied and Associated Powers to be allowed to take part in the forthcoming negotiations, as far as questions of special interest for Switzerland, or problems of general importance, such as the League of Nations, would be treated.

The above mentioned Swiss draft was made with a view to discussions of such a nature which might possibly take place.

After the Draft Covenant of February 14th was published, this Draft was examined by the Advisory Commission. All the members of the Commission, with the exception of two (four were absent), expressed themselves in favour of adhering to the League.

At the session of the Federal Council, of March 10th, a series of points were adopted, that served as the basis of a note addressed by the Federal Council to the Conference at Paris at the commencement of March. ⁴⁾

¹⁾ Memoranda urging the institution of such a commission had been presented by the Swiss Peace Society on October 23rd, 1917, and on March 9th, 1918.

²⁾ "Nouvelles de Hollande — Holländische Nachrichten — Holland News", Vol. II, N°. 54, p. 1349.

³⁾ These documents will be found as Annexes to the „Message du Conseil Fédéral suisse” of August 4th, 1919.

⁴⁾ „Message du Conseil Fédéral suisse”, of August 4th, 1919, p. 289.

2. CONFERENCE WITH THE NEUTRALS, ON MARCH 20th AND 21st, 1919.

The fact that the League of Nations was treated as an integral part of the Treaty of Peace resulted in the Covenant of that League being the work of the representatives of the belligerent Powers, excluding all direct participation on the part of the Neutrals. After the publication of the Covenant of February 14th, objections were raised, from various quarters in the neutral countries, against this exclusion.

To meet these grievances the Commission on the League of Nations expressed the wish to the Governments of the 13 States that had remained neutral during the war to proceed to an exchange of views with representatives of the neutral states. This invitation was forwarded to the diplomatic representatives at Paris of the neutral Powers, and was sent by these to their Governments.

On March 20th and 21st, 1919 meetings of a sub-commission of the Commission of the League of Nations, were held with the representatives of the neutral States. This sub-commission was presided over by LORD ROBERT CECIL (Great Britain); the other members of it were: M. BOURGEOIS (France), M. VENISELOS (Greece), M. VESNITCH (Serbia), M. HYMANS (Belgium), Colonel HOUSE (United States of America).

Concerning the discussions with the representatives of the neutral states, only two short communications, drawn up in very general terms, were published, which read as follows: ¹⁾

March 20th. "Representatives of neutral States were received informally this afternoon by a small committee of the League of Nations' Commission. A Draft of the Covenant, as read at the Plenary Session held February 14th, was the basis of discussion, and delegates from neutral countries proposed amendments after the first fifteen articles had been read. Thirteen neutral Powers were represented by ambassadors, ministers and delegates with their retinues of military and civilian attachés. The nations directly represented were Norway, Persia, Salvador, Switzerland, Argentina, Spain, Holland, Denmark, and Sweden. Spain was represented by her Under-Minister of Foreign Affairs, Persia by her Foreign Minister, and the South American republics by their resident Ministers. At the close of the session it was announced that no serious differences or disagreements had developed. Among the amendments to the Covenant suggested at the

¹⁾ "Advocate of Peace", for April, 1919, p. 113.

meeting were several which urged an increase in the number of secondary countries admitted to the Executive Council of the League, the reduction of armaments, and the control of munition manufacturers."

March 21. "At the meeting of the League of Nations' Commission Committee the neutral representatives gave their further views on the Draft Covenant, of which the remaining articles were examined.

Lord ROBERT CECIL thanked them for their assistance in the labours of elaborating the projects of the League of Nations which was of much use to the Commission. The Peace Conference, he declared, hoped that all the States there represented would become original members of the League."

For some time, in the neutral countries, no reports were published on these Conferences. An exception was made by Dr. B. C. J. LODER, one of the Dutch delegates, who at a meeting of the Dutch Branch of the "International Law Association" on March 29th, 1919, gave his impressions of the discussions held at Paris.¹⁾

Some further communications were made in the „Message du Conseil Fédéral suisse" of August 4th, 1919 and in the report of the Norwegian Committee of September 22nd, 1919. The first publication that gives a survey of the discussions, in a more complete manner, is the report of the Dutch delegation, dated April 4th, 1919, which was published as an Annex to the explanatory Memorandum which accompanies the Bill on the adhesion of the Netherlands to the League of Nations, presented to the Dutch Parliament on January 13th, 1920.

The text of this report is inserted here:²⁾

"The points that gave rise to the most wishes on the part of the neutrals were :

1. the position of the Body of Delegates (under art. II);
2. the position of the Executive Council (under art. III);
3. accession to the League (under art. VII);
4. the reduction of armaments (under arts. VIII and IX);
5. the peaceful settlement of international disputes (under arts. XII—XV);
6. economic and military action by the League (under art. XVI);
7. the outlining of the sphere of the League, as against that of the Members;
8. amendment of the Covenant, and withdrawal from the League (under art. XXVI).

¹⁾ „Mededeelingen van de Nederlandsche Vereeniging voor Internationaal Recht" N°. 12, p. 20.

²⁾ Only some passages wholly national in character have been left out.

Each of these eight points are discussed here separately.

1. The intention of the Norwegian, Dutch and Swiss amendments¹⁾ to Art. II, was to emphasize the legislative functions of the Body of Delegates which are so extremely important for any good development of the League, the said functions not having been sufficiently brought forward in the Covenant. If this were done, the competence of the Body of Delegates as against that of the Executive Council would be more clearly defined. For some of the regulations of the Body of Delegates viz. those for the carrying out of the constitution, the Swiss amendment proposed that the required unanimity, which, as appeared from an emphatic confirmation by the Chairman, was underlying the intention of the Draft, for the Body of Delegates as well as for the Executive Council, should be substituted by a majority of $\frac{3}{4}$ ths.

2. As a matter of course, the position of the Executive Council attracted much attention. Endeavours to reduce the political preponderance of the great Powers upon this body, by making the members of the Council vote "without consulting their Governments", were not made; the fate of any such attempts might have been foreseen. Our delegation, however, did do something towards this, indirectly, by proposing that two functions, for the exercise of which great impartiality is a first requirement, should be expressly withdrawn from the Executive Council: firstly, the competence to deal with differences not suitable for submission to arbitration (art. XV)²⁾, and further that of deciding if action by the League shall have to be resorted to. The Dutch amendments to arts. VIII and XVI in conjunction with art. II had the same tendency, having for their purpose, to prescribe a law of the League for the reduction of armaments, and for the preparation of action by the League in the economic and military spheres, respectively, thus reducing the competence of the Executive Council in favour of that of the Body of Delegates.

The intention of the Chilian and Scandinavian amendments to Art. III, was to strengthen the influence of the smaller Powers on the Executive Council, the Spanish amendment further had in view the provision of an appeal from decisions of the Council. Our delegation considered it its duty to support the Danish proposal, to double the number of members

¹⁾ See for the amendments proposed by the various delegations *a)* for the Netherlands, Annex IV of the explanatory Memorandum which accompanies the Bill on the adhesion to the League of January 13th, 1920; *b)* for Norway, the report of the official Commission of March 14th, 1919, p. 16; *c)* for Sweden, Annex 3 of the explanatory Memorandum which accompanies the King's proposal for Sweden's adhesion to the League of February 14th, 1920 and *d)* for Switzerland, the Message of the Federal Council of August 4th, 1919, p. 292.

²⁾ The Danish amendment to art. XIV apparently had the same in view.

on the Executive Council, by which the number of small Powers sitting on the Council would also be doubled. That the Dutch delegation refrained from proposing that the Covenant itself should mention the principles according to which the smaller Powers should be represented on the Executive Council, was because the great haste with which the Conference was working seemed to exclude any chance of this being realized.

From communications emanating from the delegation of the Peace Conference itself, it further appeared that it was the intention to increase the number of members on the Executive Council, when other great Powers would be admitted, but that then the proportion between the number of representatives of the great, and that of the other Powers, would remain unaltered, viz. 5 to 4.

3. Although from communications of the delegation of the Peace Conference Commission, it appeared to be the intention that all Neutrals should be invited to accede, and that the League ought to comprise as many States as possible¹⁾, the Swiss amendment which presupposed a right to be admitted, in case of certain conditions being fulfilled, met with little sympathy on the part of the representatives at the Conference; evidently admission was considered as a political question.

In answer to a question by our delegation, we learned it was intended that each of the dominions and colonies, mentioned in art. VII, shall have one vote; as the Body of Delegates is only able to form decisions by a unanimous vote, no preponderance would thus be given to States rich in colonies.

4. Concerning the reduction of armaments, the amendment of the Danish, and especially that of the Dutch, went farthest; the latter left the whole matter to a regulation by the Body of Delegates, by which at the same time the significance of the Executive Council in this matter would be reduced (see also under 2 and 3). Control concerning the fulfilment of the reduction of armaments, as well as that with regard to the manufacture of munitions, should also have a place in the regulations laid down by the Dutch amendment; this control is, in conjunction with another French amendment submitted upon this point, brought to the front particularly in the Scandinavian proposals on arts. VIII and IX, while Danish and Norwegian amendments to arts. VIII and IX aimed especially at the manufacture of munitions, by private enterprise, being forbidden.

5. Besides from the composition of the Executive Council and from the regulation of armaments, as well as of the military action of the League,

¹⁾ See concerning this point what is said on art. XVII.

the very political character of the proposed organization of the League appears nowhere more clearly than from the manner in which arts. XII—XV deal with the peaceful settlement of international disputes. Hitherto evolution took place wholly in the direction of compulsory arbitration, before independent arbitrators, and for non-arbitral disputes, in the direction of commissions of reconciliation, also completely independent of the Governments involved. The Draft, however, does not prescribe, for any single dispute, compulsory arbitration, and the very political Executive Council is proposed as the Council of reconciliation. From communications from the delegation of the Conference Commission, it appeared that the manner of working of the Council was thought to be very elastic: the Council may itself take in hand the work of reconciliation; it may also, however, submit the dispute, for advice, to an arbitral body, appoint a commission *ad hoc*, or refer the matter to the Body of Delegates. The first and last mentioned courses only are referred to in so many words, in art. XV. The question in how far this new arrangement for the peaceful settlement of international disputes is due to the fact that the endeavours to have compulsory arbitration accepted at the Hague Peace Conferences, on no less than two occasions have suffered shipwreck, and that the existing arbitration institutes failed to maintain peace, is one that may be left undiscussed here; it is, however, certain, that from several sides amendments were submitted to improve the judicial organisation of the League. The Chairman's remarks, however, did not give much prospect of these amendments being adopted by the Conference.

The Dutch and Swiss amendments regulated the proposed improvements in the most fundamental manner. The first mentioned desired that justiciable disputes, in conjunction with the evolution of law, down to the present, should be governed, in the first place, by arbitration-treaties between State and State, and that in the absence of these, the Permanent Court of International Justice, under art. XIV, should be declared competent; further non-arbitral disputes shall come, in the first instance, before reconciliation-commissions of State and State (Bryan-treaties); on the non-existence hereof, before an independent council of reconciliation, to be set up anew by the Body of Delegates. In this manner the political Executive Council would be excluded altogether from any peaceful settlement of international disputes.

The Swiss amendments suggest another regulation: pursuant to the Swiss draft for a League of Nations, though in deviation from the existing evolution of law, these amendments desire that all disputes that cannot be solved by diplomacy, should first be brought before a special reconcili-

liation- and investigation-commission of State and State, and that only when in this manner no positive result has been achieved, shall the dispute be submitted to arbitration, or to an investigation by the Executive Council. If therefore, this latter political body is not eliminated in the manner suggested in the Dutch amendment to art. XV, it must be admitted that the cases in which the Council might be involved, will be considerably smaller in number according to the Swiss amendments than under the Draft.

While the Dutch amendment to art. XIII, confined itself to entrusting the composition and procedure of the Permanent Court of International Justice to a decision of the Body of Delegates, the Scandinavian amendments to art. XIV were, in the main, in agreement with the Scandinavian draft of a League of Nations (arts. 10—16), the Swiss amendment to the same article in agreement with the Swiss draft (arts. 12—16). The Scandinavian draft desires that the 15 members of the Court should be selected by an elective body, composed of the first representatives of the States in the Permanent Court of Arbitration, the Swiss draft desires to achieve the same appointment of 15 members without any elective body, but then to reduce the Court to five for every dispute, by allowing the parties to challenge the others. In all probability the great Powers would prefer, to either of these two solutions, which do not appear to get rid of all complications in the process of appointment, a composition of the Court such as that prevailing in the International Prize Court, which Court also presupposes independent judges, though the greater part of these are appointed by the great Powers.

Though the Court of Arbitration is not mentioned anywhere in the Draft, it may nevertheless be deduced, from the very positive utterances on the part of the receiving delegation, that the Draft does not by any means intend excluding that Court from its organization; as a matter of fact it comes well within the scheme of art. XIII.

There appears to be a great chance, that even though central bodies of arbitration and reconciliation may arise, there will still be room enough left for special arbitration- and Bryan-treaties between State and State. By energetically co-operating in the bringing about of as many treaties, and as practical as possible in this sense, the Netherlands would be assisting, in no small measure, in strengthening that part of the constitution of the League where, as appears from the foregoing, strengthening is very necessary.

Our delegation further observed that while art. XII, paragraph 2, of the Draft assumes that even after an award in arbitration, war will still be permissible, art. XIII adopts a more correct point of view, viz. that an arbitral award is the last word in any dispute. The accuracy

of this observation was admitted, and consideration of the point promised.

6. The economic and military action of the League in art. XVI, was also a point of interest. From communications on the part of the Conference Commission, it immediately appeared that, while the economic measures of compulsion, as well as the giving of passage to the League's forces, were obligations resting upon every Member of the League, every State, on the other hand, retained the right to comply with the recommendation of the Executive Council, or otherwise, with regard to co-operation in this military action by the League. In reply to a question put by our delegation, as to whether this liberty was not converted into an obligation by what was laid down in art. III, it was said that art. III, contained, at most, a "moral obligation", but that the Conference Commission would further consider the connection between arts. XVI and III, and the solution would perhaps be found in such an amplification of art. III, that the State called upon by the Executive Council, not being desirous of taking part in military action, would be admitted *ad hoc*, as a member of the Council, by which such State would be enabled to frustrate the unanimity required for a binding order for co-operation, thus a solution in the spirit of paragraph 1, of the Danish and Swiss amendments.

From the foregoing it can already be seen that according to the intention of the Draft there is no question of any levy en masse of the States against a State transgressing art. XII, while should such covenant-breaking State be represented on the Council, all military action would apparently be excluded owing to the impossibility, in such case, of the required unanimity being obtained. In this manner thus, collective military action is very considerably weakened, and owing to this, especially, also the preventive force that would result from a strong sanction for the maintenance of peace. The Swiss draft, not any Swiss amendment, also embodied this same weakening in expressing the desire to remain permanently neutral, so did the Scandinavian amendments, that wished in a more or less great degree, to withhold all the small States from military action. The Danish amendment went farthest: that amendment wanted it to be permissible to declare a one-sided neutrality (in the manner of art. 10 of the Congo Act of '86), with which the question immediately arose, but was not solved, how would a declaration of neutrality be compatible with the obligation, imposed by that same art. XVI, to participate in economic action, and give passage to the forces of the League.

It was only the Dutch amendments that took up the point of view that

if it were desired to establish a strong League, every State must co-operate: to that end preparation for action is especially necessary by a law of the Body of Delegates (see under 1 and 2), — another provisional French amendment had the same tendency, that, in any case, preparation by a military commission was desirable — while further an impartial body should decide the question, that is certainly very difficult in practice, whether, by whom and when, a breach of art. XII, shall have been committed (with regard to this point see also par. 1, of the Norwegian amendment).

Our delegation stated that in Holland a draft concerning military preparation had already been drawn up.

Apparently, the wish expressed in the Danish and Swiss amendments to endeavour towards a certain gradation in the application of the sanction and not to begin immediately with the most severe, did not meet with approval from the Conference Commission.

One of the members of the Conference Commission, touched upon the possibility that, in the long run, collective economic and military action might also have to serve as a measure against other crimes by States, than a breach of art. XII. A development of the law of the League, in that direction also lies at the bottom of the final words of the Dutch amendment to art. II.

In reference to a question from the Spanish delegation, the Chairman observed that the wording of art. XVI, says purposely that an act of war has been committed, but not that a state of war has set in, this in order to open up the possibility that a country, the constitutional law of which requires that a declaration of war should be made in a certain manner, e.g. by law, may have an opportunity of complying with that requirement before any state of war comes into force. It occurs to us that in accordance with the conception, generally held in honour among us, the Covenant itself might also stipulate that at a certain moment the state of war shall set in. In any case it is evident that the collective action of art. XVI, is assumed to be an act of war. Our delegation did not hesitate to point out that if the League of Nations still recognizes war, the right of neutrality, and the freedom of the sea, will also require attention.

7. The important question of the outlining of the sphere of influence of the League, against that of the Members of the League, gave rise to a Swiss amendment (Art. XVIII *bis*) with which our delegation thought that it could agree.

8. "The League of Nations, especially at first, will only be possible owing to a certain vagueness", in these words the Chairman expressed the very

political character of the League, at the meeting of March 20th. This same point of view prompts the intention not to make amendment of the Constitution too easy; a hard and fast constitution is a strong "safeguard" against desires to amend, that it is preferable not to sanction. It is therefore not to be wondered at, that even though there are others on the Commission who think otherwise, on the part of that Commission there was little disposition shown to meet the view, also expressed, entirely personally, by one of our delegates, to give the League more chance of vitality, by facilitating the conditions under which amendment would be possible (compare also the Norwegian amendment to art. XXVI).

Several amendments were lodged with reference to the withdrawal from the League under art. XXVI, in addition to those having reference to revision.

A few other special remarks may be added to these eight points.

With reference to art. XXV, the Dutch delegation asked whether offensive and defensive alliances must be considered as being excluded by that Article. With regard to the first mentioned, this was answered emphatically in the affirmative. Matters were, however, otherwise with regard to defensive alliances. In general, these were not considered as being superfluous, in spite of the machinery of the League's military action, — the insufficient arrangement of which in this respect was brought to light by art. XVI — though the Chairman admitted that, with respect to some defensive treaties, with an offensive sub-intention, the case may be otherwise.

The attitude of the delegation of the Conference Commission, with regard to the Chilean amendment to art. XVII, was significant; that amendment had in view the doing away of the authority, that by virtue of this Article, the League would have over non-members. It was strongly urged against this amendment, that co-operation with the League was not a matter that might also be omitted; anyone remaining outside of this world organization, had no claim whatever to sympathy, and should such a one not wish to have his disputes settled in the peaceful manner prescribed by the League, such a one must, if necessary, be compelled to do so. It is a question here of a new international law, in which some regulations of the old international law, — probably what is meant here is non-interference with the affairs of any other State — are no longer of effect.

The Chairman pointed out that under arts. XX—XXII, it is intended to place international social and economic law under the auspices of the

League of Nations. The free transit of art. XXI, e. g. refers to free traffic on rivers, with respect to which the League of Nations will thus, apparently, have to devise a new set of regulations, in conjunction with arts. 108—117, of the final treaty of Vienna of 1815.

On March 29th, Lord ROBERT CECIL informed the neutral representatives, one member of each delegation having been invited for the purpose, of the alterations the Commission had decided to introduce into the Covenant, as a result of the discussions conducted with the neutrals.

Lord ROBERT finally stated that a separate protocol would be drawn up, containing :

1. the names of the Members of the League ;
2. the names of the Neutrals acceding.

The Neutrals will be officially invited to accede.

The Commission would greatly appreciate Neutrals giving notice of their wish, to be invited, in advance.

It might perhaps be worthy of recommendation if the Government of the Netherlands, as soon as it has received the final text, should give notice to the Conference, that although it would have liked to have seen the other amendments proposed by it, accepted, yet in view of the overwhelming importance of the establishment of the League of Nations, it raises no objection to the final text, and looks forward to an invitation to accede.

On behalf of the Commission, Lord ROBERT expressed the hope that accession would be as general as possible, even though some States, such as Germany, might only be taken up after the lapse of some time."

On April 16th, 1919, in the House of Commons, LORD ROBERT CECIL emphasized the great importance of the discussions with the Neutrals. He said i. a. :

"The right hon. gentleman (Mr. ADAMSON) also asked whether it was quite clear that the League of Nations was really to be a League of Nations and not merely a League of Allies. On that point I can assure him, I presided at two conferences representing 13 neutral Powers, and throughout those meetings nothing could have been more friendly than the attitude of the representatives of all the neutral Powers ; and since then we have received from Spain a definite statement that she is prepared to join the League as soon as she is permitted to do so. The Covenant will, I hope, contain a provision by which all these friendly neutrals will be invited to join the League immediately after the signa-

ture of the Covenant. I hope the whole of those neutral nations will become members of the League in the course of a short time. The belligerent nations naturally look at all the various questions that arise from a belligerent point of view and are apt to judge the League as it would have operated if it had been in existence during the late war. That is perfectly right but it is not a complete view of the operations of this great organization. We do not want to secure justice or even safety only for those who have been engaged in the war: we want to provide means for the general pacification of the world and to secure co-operation between all nations."

CHAPTER IV.

ORIGINAL MEMBERS OF THE LEAGUE.

Article I of the Covenant of the League of Nations, distinguishes between two categories of original Members : *a*) the members of the League of Nations on its foundation, i. e. the 32 States signatories of the Peace Treaty of Versailles, and *b*) the 13 neutral States invited to accede to the Covenant.

The States of the first category will be original Members of the League of Nations, as soon as they shall have ratified the Peace Treaty of Versailles, and no fixed period has been laid down for this ratification. Conditions for the admission of the neutral States are different. If these desired to be counted among the original members of the League of Nations, then their accession would have to take place within two months of the coming into force of the Peace Treaty.¹⁾

Among the 32 States, that as belligerents may become original members of the League of Nations, one looks in vain for one, that also declared war on Germany, viz : Montenegro.²⁾

On the other hand we see among those 32 States, the four British Dominions and India, countries that did not declare war by themselves, but which nevertheless will now enter the League of Nations as independent members. Against this fact protests were raised in the United States of America, as well as in France, and on account of this precedent the wish was expressed, in the latter country, that Tunis and Morocco ought also to have been proposed as Members of the League of Nations.

¹⁾ Before March 10th, 1920.

²⁾ The Government of Montenegro protested against the exclusion of this country from the Paris Conference in several notes addressed subsequently to the Peace Conference, i. a. with regard to the Austrian Peace Treaty, in a note published in „Le Temps”, July 26th, 1919.

Further, it will be observed that among the States signatory to the Peace Treaty, are the four South American States : Bolivia, Ecuador, Peru and Uruguay, that broke off diplomatic relations with Germany.

Finally, the question might arise whether China is also entitled to be an original member of the League. Though it is mentioned as such, in the Annex added to Art. XXVI, perhaps that State, owing to its not having signed the Treaty of Versailles, might have forfeited this right.¹⁾

With regard to the list of the 13 States invited to join the League of Nations, it is observed that at the Plenary Sessions at Paris, the question who would be invited as Members was scarcely discussed. On April 28th, the Panama Delegate endeavoured to throw full light upon this point. He said that there was nothing in the Covenant indicating that the object of the League would be to form a group or a coalition of Powers. But to avoid all suspicion of this, he asked, if it would not be more in order to state expressly, that no nation would be excluded. The explicit statement asked for, however, was not given, and subsequently the question was not considered.

The question of the admission of the Central Powers (Germany, Austria, Hungary, Bulgaria and Turkey) was discussed in the notes exchanged between the Peace Conference, and the Governments of those countries, concerning the Peace Treaties.²⁾

As far as Russia was concerned, it was evidently, and generally

¹⁾ On November 15th, 1919, the International Labour Conference at Washington decided unanimously to allow the Chinese delegation to participate. This decision was the result of a compromise permitting the Chinese to participate at the Conference on the same conditions as the Powers that have not acceded to the Covenant of the League of Nations.

²⁾ See Chapter II. Cf. also the resolution adopted by the International Labour Conference at Washington, by 71 votes to 1:

„Attendu qu'au cours des négociations concernant le traité de paix, les Puissances alliées et associées se sont mises d'accord avec l'Allemagne et l'Autriche pour accepter l'idée de leur prochaine admission à l'organisation internationale du travail et ont décidé, en y ajoutant une recommandation en faveur de leur admission après la conclusion de la Conférence, de poser la question à la Conférence de Washington qui doit en décider, et attendu qu'à une date postérieure, les Puissances alliées et associées ont remis la question de l'admission immédiate de l'Allemagne et de l'Autriche à la Conférence du travail de Washington, à la décision de la Conférence elle-même, la Conférence internationale du travail, agissant d'accord avec les décisions des Puissances alliées et associées,

Décide qu'en anticipation de leur adhésion à la Ligue des nations et en raison de leur volonté expresse de coopérer à l'œuvre de l'organisation du travail, l'Allemagne et l'Autriche, sont admises à participer à l'organisation internationale du travail, selon les termes des traités de paix signés à Versailles le 28 juin 1919 et à Saint-Germain le 10 septembre.”

the opinion, that, with the exception of Poland, that country, as well as those that formally belonged to it, among which Finland¹⁾ and Ukrainia, were not in a position permitting of their admission to the League of Nations being discussed.²⁾ In the letter to Admiral KOLTCHAK, of May 6th, 1919³⁾ the Conference stipulated among the conditions under which the Allied and Associated Powers would be prepared to continue their assistance to him, that the settlement of disputes in regard to the boundaries of the Russian state, and its relations with its neighbours, should be settled through the peaceful arbitration of the League of Nations, and on the other hand, this special condition was imposed, that "as soon as a Government for Russia should be constituted on a democratic basis, Russia should join the League of Nations, and co-operate with the other Members in the limitation of armaments and other military organizations throughout the world".

The Baltic States expressed their desire for admission into the League of Nations, in a document to the President of the Peace Conference.⁴⁾

Besides the enemy Powers, and the countries of Russia, that were not invited for obvious reasons, there are a certain number of other countries to which an invitation was omitted, and for which the reasons for exclusion are less evident.

Among these countries there is one in whose favour an effort was publicly made at the Conference, to have it invited, viz. Monaco.⁵⁾

Why Luxemburg, that was represented at the Hague Conferences of 1899, and 1907, did not receive an invitation, does not appear from the Protocol of the Plenary Sessions. The two articles in the Peace Treaty, dealing with this country, (Arts. 40 and 41), refer exclusively to the situation of that country with regard to Germany, without containing anything that might explain why Luxemburg should no

¹⁾ At the International Labour Conference at Washington, Finland's admission to that Conference was discussed at length. On November 14th, the following motion was passed unanimously: „La Conférence, sans prétendre toucher à la question de principe, souhaite la bienvenue aux délégués de la Finlande et les invite à prendre part aux débats aux mêmes conditions que les autres nations n'ayant pas encore adhéré à la Ligue des Nations.”

²⁾ The treaty between Azerbaijan and Georgia, of June 16th, 1919 contains the following clause: „Si avant l'expiration du terme prévu au § 5, se constitue une Ligue des Nations garantissant l'indépendance et l'inviolabilité des frontières de tous les Etats qui en sont membres, le présent traité cessera d'être en vigueur, à dater de l'entrée des républiques contractantes dans la Ligue des Nations.” (Bulletin of the “International Intermediary Institute”, for October, 1919, p. 541).

³⁾ “Advocate of Peace”, for June, 1919, p. 194.

⁴⁾ “Westminster Gazette”, September 10th, 1919.

⁵⁾ See p. 47.

longer be taken into consideration for participation, as an independent State, in the League of Nations.¹⁾

Two other States which also took part, in 1907, at the Hague Conference, not figuring now on the list, are the Dominican Republic and the United States of Mexico. In his speech in the Senate, on February 27th, 1919, Senator HITCHCOCK, without giving much explanation, justified the exclusion of the latter country as follows: "Mexico not being able to give guarantees of international obligations, could not be allowed entrance to the League at all".²⁾

The Message of the Swiss Federal Council of August 4th, 1919, further observes that, in addition to the above mentioned countries, the following States have not been invited to join the League: the Andorra States, San Marino, the Principality of Lichtenstein, Albania, Costa Rica³⁾, Abyssinia and Afghanistan, States that, it is true, had no independent representation at the Hague Conferences.

Finally voices were raised to the effect that the Pope should be invited to the League.⁴⁾ In the public discussions at Paris, this problem was not touched upon at all. It was not even suggested to send the Pope an official notice, as was done at the Hague Conference in 1899, in a message of May 7th, 1899, addressed to the Pope by H. M. the Queen of the Netherlands. In the Belgian Senate, on May 7th, 1919, Mgr. KEESEN, pleaded the cause of the representation of the Holy See in the League of Nations; in an enterprise, he said, that is simultaneously of a moral and international order, there is no means of achieving success without the co-operation of the Holy See, that is the highest moral and international authority existing on earth. During the vote on the Treaty in the French Senate, on October 11th, M. DELAHAYE, abstained from voting, one of his arguments being the exclusion of the Pope from the League of Nations.

When on October 15th, 1919 the Supreme Council was engaged with the numerous questions to be dealt with immediately on the Peace Treaty coming into force, the notices to be addressed to the neutral Powers, in view of their accession to the Covenant, were approved.

After the signing of the procès-verbal of the deposit of the ratifications of the Peace Treaty on January 10th, 1920, M. CLEMENCEAU

¹⁾ At the International Labour Conference at Washington, Luxembourg's admission was adopted unanimously.

²⁾ Cf. "The League", for December, 1919, p. 109.

³⁾ Cf. "Hearings before the Committee on Foreign Relations United States Senate" 1919, p. 160 and 206.

⁴⁾ Cf. „Het probleem van den Paus in het Volkenrecht", by Dr. J. W. SCHNEIDER.

issued a telegram to the heads of the Governments of the 13 neutral countries, informing them that the Peace Treaty with Germany had come into force, and inviting them to give their adherence to the League of Nations. At the same time M. CLEMENCEAU acquainted, the Ambassadors or Ministers of the States interested, of this step, and forwarded to them a certified copy in accordance with the Peace Treaty of Versailles.¹⁾

We have indicated in the list below by * those of the Allied and Associated Powers which have ratified the Peace Treaty with Germany, before the date of the Treaty coming into force, (January 10th, 1920) :²⁾

United States of America	Haiti
*Belgium	Hedjaz
*Bolivia	Honduras
*Brazil	*Italy
*British Empire ³⁾	*Japan
*Canada	Liberia
*Australia	Nicaragua
*South Africa	Panama
*New Zealand	*Peru
*India	*Poland
China	Portugal
Cuba	Roumania
Ecuador	Serb-Kroat-Slovene-State
*France	*Siam
Greece	*Czecho-Slovakia
*Guatemala	*Uruguay.

In the following table are indicated by * those of the neutral Powers which had accepted the invitation to become Members of the League of Nations, before the first meeting of the Council of the League (January 16th, 1920) :⁴⁾

*Argentine Republic.	*Persia.
*Chili.	Salvador.
Colombia.	*Spain.
Denmark.	Sweden.
Netherlands.	Switzerland.
Norway.	Venezuela.
*Paraguay.	

¹⁾ See for the text of these documents „La Paix par le Droit”, for January/February, 1920, p. 43.

²⁾ The following is taken from the French decree on the promulgation of the Peace Treaty, published in the “Journal Officiel”, January 11th, 1920. („Le Temps”, January 12th, 1920).

³⁾ It is remarkable that the Covenant mentions next to the Dominions and India the “British Empire” and not the “United Kingdom”. This point was discussed before the United States Foreign Relations Committee with Mr. MILLER (“Hearings” 1919, p. 414).

⁴⁾ Thus it was stated by M. BOURGEOIS, in his opening speech. It will be observed that Switzerland is omitted, notwithstanding her decree of November 21st, 1919, concerning her adhesion to the League.

Within two months of the coming into force of the Peace Treaty, the other States invited notified their adhesion; thus, on March 10th, all 13 neutral States named in the Annex of the Covenant had become original Members of the League.

The following gives a survey of the manner in which the decision concerning ratification of the Peace Treaty with Germany,¹⁾ resp. adhesion to the League, was taken. In some of these countries, on that occasion, important reports and speeches were made, dealing with the League of Nations, from an international, as well as from a national, point of view. Lack of space, however, does not permit of our reproducing these documents in full. We must confine ourselves to a few facts and dates, and express our regret that with regard to some of these countries the documents at our disposal are somewhat incomplete.

a) Allied and Associated Powers.

BELGIUM.

On April 29th, 1919, the day following the adoption of the Covenant in Paris, the Senate addressed the Peace Conference in the following way:

„Le Sénat de Belgique, ému par le vote de la Conférence de Paris, méconnaissant les titres de Bruxelles à devenir le siège de la Ligue des Nations, gravement préoccupé de la situation lamentable à laquelle la guerre la plus cruelle a réduit le pays, convaincu que les ruines ne peuvent pas être relevées par les seules ressources nationales, s'adresse à votre assemblée, la conjurant d'intervenir énergiquement en vue d'obtenir qu'une prompte et complète restauration soit exécutée dans un esprit de compassion et d'équité.

Confiant dans les sentiments de solidarité des nations civilisées et dans les témoignages de sympathie donnés à la Belgique, son Sénat se tient

¹⁾ The ratification of the Peace Treaty with Austria may be left out of consideration, as the ratification of the Peace Treaty with Germany is sufficient to acquire the membership of the League of Nations.

pour assuré de trouver en elles un puissant soutien et une efficace intervention à l'appui des satisfactions légitimes et indispensables réclamées à la Conférence de la Paix pour la restauration de la Belgique."

Discussions on the League of Nations, took place in the Belgian Senate, on May 7th, in consequence of an interpellation by M. HENRI LA FONTAINE.¹⁾

The Peace Treaty was submitted to the Chamber of Representatives by the Minister for Foreign Affairs, M. HYMANS, on July 2nd.²⁾ A Message from the King was read at that same session. The Treaty was discussed in the Chamber, on August 8th, and the Bill to approve the Peace Treaty was passed unanimously, 125 deputies being present.³⁾

Discussions in the Senate opened on August 19th, and were continued on August 20th and 26th. The Committee on Foreign Affairs entrusted the report on the Treaty to Baron DESCAMPS. Count GOBLET D'ALVIELLA, M. VAN DEN HEUVEL, on behalf of the Government, Mgr. KEESEN, and M. HENRI LA FONTAINE, took part in the debate, the latter giving the following conclusions on the League of Nations :⁴⁾

„1. Il faut que le Conseil international ne demeure pas une immuable pentarchie larvée et devienne un conseil exécutif, élu et responsable.

2. Il faut que l'Assemblée des Délégués devienne représentative des peuples et que ses membres soient les mandataires de parlements démocratiques, issus des masses populaires par le suffrage direct et universel.

3. Il y a lieu de procéder dans le plus bref délai à la constitution de la Cour internationale de justice, sans l'existence de laquelle le droit pour la primauté duquel nos soldats ont versé leur sang et qui doit être la base de l'ordre nouveau, restera le serviteur de la politique ; et il faut la doubler d'un organisme de conciliation et d'enquête.

4. Il faut qu'une publicité entière des débats soit établie au sein de l'Assemblée des Délégués comme à la barre de la Cour internationale de justice.

5. Il faut que l'Assemblée des Délégués se réunisse en sessions régulières, au moins annuelles et automatiquement convoquées, et que le pouvoir législatif soit son apanage exclusif.

¹⁾ Annales Parlementaires, Sénat, p. 312.

²⁾ Documents, Projet de loi et exposé des motifs No. 203 et rapport No. 283.

³⁾ Annales Parlementaires, Chambre des Représentants p. 1453—1462.

⁴⁾ Documents, Projet de loi No. 203 et Rapport No. 148 et Annales Parlementaires, Sénat p. 558—570, p. 593—602 et p. 614—620.

6. Il faut que les pourparlers diplomatiques ne se poursuivent plus derrière des portes matelassées et dans l'ombre de conciliabules secrets.

7. Il faut qu'à la liberté des mers vienne s'ajouter le libre accès à toutes les voies fluviales, aux canaux maritimes et terrestres, aux voies ferrées, routières et aériennes. Que chaque avion qui passe nous soit un symbole de la libération des hommes de toutes les entraves matérielles et morales qui les ont ligotés jusqu'à ce jour !

8. Il faut que le régime du mandat soit étendu à toutes les colonies et à tous les protectorats, et que le régime d'une tutelle internationale soit établi dans le monde pour les peuples mineurs.

9. Il faut effacer du Pacte de la Société des Nations les dispositions qui admettent la sécession et l'expulsion d'un peuple de la communauté humaine.

10. Il faut surtout supprimer le droit à la neutralité, dont le maintien serait une disgrâce, car elle marquerait la nation qui s'en réclamerait du sceau de l'égoïsme et de la lâcheté. Et un tel avantage serait encore plus injustifiable s'il n'était accordé qu'à une seule nation. Déjà en Suisse des voix indignées s'élèvent pour protester contre ceux qui exigent que ce pays soit libéré de la charge de participer aux mesures de contrainte contre une nation félonne ou criminelle et puisse se refuser à livrer passage, par son territoire, aux forces de police appelées à exercer la vindicte internationale. Et c'est à cette Suisse, ainsi neutralisée, dont les troupes louées se sont battues pour la défense des pires autocraties, mais qui se refuserait à lutter pour le droit, que serait attribué le privilège et l'honneur de devenir le Siège de la Société des Nations !

11. Il faut enfin que disparaisse le monstrueux article XII du traité de Versailles. Il n'est pas admissible que le recours à la guerre, le droit pour une nation de se constituer unilatéralement juge, partie et bourreau en sa propre cause, soit solennellement consacré."

On August 26th, the Bill was passed unanimously, 85 Senators being present, and the Bill was signed, by the King, on September 15th.

The King's Instrument of ratification was received at Paris, on October 13th.

The Bill to approve the Peace Treaty reads as follows :¹⁾

ALBERT, Roi des Belges,

A tous, présents et à venir, Salut.

Les Chambres ont adopté et Nous sanctionnons ce qui suit :

¹⁾ Loi approuvant le traité de paix. Moniteur belge, 17 octobre 1919 No. 209.

Art. 1.

Est approuvé le traité de paix conclu à Versailles, le 28 juin 1919, entre les puissances alliées et associées, d'une part, et l'Allemagne, d'autre part.

Art. 2.

Est approuvé également le protocole du même jour précisant les conditions d'exécution de certaines clauses du traité de paix.

Art. 3.

Le traité visé à l'article 1er et le protocole visé à l'article 2 seront tex- tuellement insérés au Moniteur en même temps que la présente loi.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par le Moniteur.

Donné à Bruxelles, le 15 septembre 1919.

(signé) ALBERT.

(suivent les signatures de tous les ministres).

BRAZIL.

In August 1919, the President presented a Message to Congress, asking for the ratification of the Peace Treaty.¹⁾ The Treaty was submitted to the Parliamentary Commission on diplomatic affairs, and M. CARLOS DE CAMPOS was appointed to report on the Treaty.

„Le Temps“ of November 10th, announced the ratification of the Peace Treaty, by the Chamber of Deputies.

According to a Havas-telegram, in the „Deutsche Allgemeine Zeitung“, of November 12th, the Senate ratified the Peace Treaty. The ratification by President PESSOA then followed.

BRITISH EMPIRE.

On July 3rd, 1919, the Prime Minister, Mr. LLOYD GEORGE, introduced two Bills in the House of Commons, one to ratify the Peace Treaty, the second to ratify the Anglo-French Treaty of Defence. From the Prime Minister's speech on that occasion, we reproduce the following extracts :²⁾

“I have to lay on the table of the House, and to ask leave to introduce, two Bills to enforce the most momentous document to which the

¹⁾ „Journal des Débats“, August 23rd, 1919.

²⁾ „Manchester Guardian“, July 4th, 1919.

British Empire has ever affixed its seal. It is unnecessary to obtain the ratification of Parliament to a treaty except in one or two particulars; the ratification is the ratification of the Crown. But there are certain provisions in the Treaty of Peace which was signed last Saturday for which it is necessary to obtain an Act of Parliament in order to enforce them.

Therefore, I propose to ask leave to introduce a bill in the usual form to enable his Majesty to make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said treaty and giving effect to any provisions of the treaty. That is the usual form, I believe, in which measures of this kind have hitherto been couched.

.... Now I come to the greatest guarantee of all—that is the League of Nations. Let me say with regard to the League, that great and hopeful experiment is only rendered possible by the other conditions, and I want the House to realize that thoroughly. Without disarmament—without indications which this war has given that the nations of the world are determined at all costs that war should cease—this League of Nations will become just like other conventions of the past—something that will be blown away by the first gust of war or any fierce dispute between the nations. It is this war and the Treaty that concluded this war that makes a League of Nations possible.

The world has had a great fright. It used to be said by all great military writers that the next great war could not last longer than six weeks or three months perhaps. It was the conviction of everybody at the beginning of this war that it would be sharp but short. Nations could not go on beyond a few months. It was the conviction of Germany. She would never have entered into the war if she had thought that it would have lasted so long. The world knows now that the conditions of modern warfare, with its ponderous armies and its trundling heavy machinery, conduce to the length of the war. It also realizes the peril of small disputes. A little quarrel about a murder in Bosnia and the world is aflame.

There are many things the world realizes and is prepared to take into account and provide against, and this League of Nations is an attempt to do it by some less barbarous method than by war. Let us try it. I beg this country to try it seriously and earnestly. It is due to mankind that we should do it. Anything except the horrors of this last war. If you must come to it—well, you must; but do let us try this.

Take Art. XII of this Covenant: "The members of the League agree that if there should arise between the nations a dispute likely to lead to a rupture,

they will submit the matter to either arbitration or inquiry." And then nine months elapse. Supposing that article had been in existence in 1914, it would have been difficult for Germany and Austria to have gone to war; and, if they had, America would have been in on the first day, and not three years after, and that would have made all the difference.

With this machinery I am not going to say you will never have war. War is a savage animal. You have only got to go to the field of Verdun, where in a narrow circle, you can see where about three millions of men were engaged in deadly conflict for five months—where the earth is like congealed human savagery—to see what a terrible being man is when he is roused.

If you avert one war, the League of Nations will have justified itself. If you let one generation pass without the blood of millions being spilled, and without the agony which filled so many homes, the League of Nations will be justified, and I beg no one to sneer at the League of Nations.

Let us try, and I believe it will succeed. It will succeed in stopping some wars. It may not stop every war. The world has gone from war to war until at last we have despaired of stopping it. But society, with all its organisations, has not stopped every crime. What it does is to make crime difficult and unsuccessful, and that is what the League of Nations will do. Therefore, I look to it with hope and confidence to do great things for humanity.

It is said, "Why do you not let Germany in at once?" I have thought a great deal about that, and if I thought it would be better for the peace of the world, I would not have minded the clamour. But I do not think it would have been better for Germany or for Europe. I think you must let some time elapse. It is difficult to forget some things. It is rather difficult for us, but especially difficult for France. More than that, I am not sure that, if you introduce Germany now, before all the questions which remain for settlement have been disposed of, you would not have opened a field for intrigue, mischief, and dissension, and harm would be done.

Distinctly it would be a mistake in my view for Germany to come in immediately. The date when Germany comes in depends upon Germany herself. She can accelerate it. If she places obstacles in the way—if she shows that the same old spirit animates her—she will put off that date. But, if Germany shows that she has really broken from the past, if she shows that the fires of war have really purified her soul—if she shows at any rate that she realizes that her policy for the last fifty years was a bitter mistake—then Germany can accelerate the date.

I hope she will try—that she will realize that defeat has been her salvation and rid herself of the militarism of junkers and Hohenzollerns. She has paid a big price for her deliverance. I think she will find that it is worth it all; and when she does, Germany will then be a fit member of the League of Nations. The sooner that comes about the better it will be for Germany and for the world." . . .

After this speech some debate took place, Sir E. CARSON being one of the speakers.

In the discussions which were held on July 21st and 22nd ¹⁾, Mr. CLYNES, Mr. BARNES, Lord ROBERT CECIL and Mr. KENWORTHY, dealt with the League of Nations. On the motion for the third reading, Mr. DEVLIN, raising the Irish question, moved, as an amendment, that the Bill should be rejected. The amendment was negatived by 163 votes to 7 (two Labour members, one liberal and four Irish members). The Bill was then read a third time, and passed without a division.

On July 3rd, Lord CURZON, Lord President of the Council, introduced the Treaty of Peace Bill, in the House of Lords. Discussions took place on July 3rd, 22nd and 24th ²⁾; on that occasion Lord PARMOOR, the Archbishop of Canterbury, Viscount BRYCE, and Lord BUCKMASTER, spoke on the League of Nations. In pursuance of a pledge, given by the Prime Minister, in the House of Commons, Lord CURZON moved an amendment in order to give Parliament an opportunity of expressing an opinion on an Order in Council, for carrying out the provisions of this Bill. The amendment was agreed to, the Bill went through all stages, and was passed.

The Bill, thus amended, was sent back to the House of Commons, where it was agreed to, on July 25th. It received the Royal Assent on July 31st.

In the following months, the Treaty was approved by both Houses of Parliament in the four Dominions :

In New Zealand, resolutions were passed by the Legislative Council, and House of Representatives, on September 2nd.

In Canada, resolutions were passed by the Senate and House of Commons, on September 4th, and September 12th, respectively.

In the Union of South Africa, resolutions were passed by the Senate, on September 12th, and by the House of Assembly, on September 20th.

¹⁾ Parliamentary Debates, House of Commons. Vol. 118 No. 99 p. 573 and No. 100 p. 683.

²⁾ Parliamentary Debates, House of Lords. Vol. 35 No. 67 and 69 p. 889 and 1007.

In Australia, resolutions were passed by the House of Representatives, on September 19th, and by the Senate, on October 1st.

On October 10th, the King ratified the Peace Treaty, and the King's Instrument was despatched immediately to Paris.

The Treaty of Peace Act as adopted reads as follows :

Whereas, at Versailles on the 28th day of June, a Treaty of Peace—including a protocol annexed thereto—a copy of which has been laid before each House of Parliament, was signed on behalf of his Majesty, and it is expedient that his Majesty should have power to do all such things as may be proper and expedient for giving effect to the said Treaty,

Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows :

1. His Majesty may make such appointments, establish such offices, make such Orders in Council, and do such things as appear to him to be necessary for carrying out the said Treaty, and for giving effect to any of the provisions of the said Treaty, provided that if an Address is presented to his Majesty by either House of Parliament within the next 21 days on which that House has sat after any Order in Council made under this Act has been laid before it praying that the Order or any part thereof may be annulled, his Majesty in Council may annul the Order or such part thereof, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

2. Any Order in Council made under this Act may provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof, and shall be laid before Parliament as soon as may be after it is made, and shall have effect as if enacted in this Act, but may be varied or revoked by a subsequent Order in Council, and shall not be deemed to be a statutory rule within the meaning of Section 1 of the Rules Publication Act, 1893.

3. Any expenses incurred in carrying out the said treaty shall be defrayed out of moneys provided by Parliament.

This Act may be cited as the Treaty of Peace Act, 1919.

CHINA.

China, that refused to sign the Peace Treaty, declared herself at peace with Germany, by a decree of the President on September 15th, 1919. It runs as follows :¹⁾

1) „Deutsche Allgemeine Zeitung”, December 3rd, 1919.

„Am 14. August 1917 wurde von der Chinesischen Regierung proklamiert, dass sie sich mit Deutschland in Kriegszustand befände. Das Ziel, das uns dabei vor Augen stand, war die Wahrung des internationalen Rechts, das Hochhalten der Menschlichkeit, das Vermeiden von Kriegen und die Beschleunigung des Friedens. Seit wir uns den im Kriege befindlichen Mächten zugesellt haben, ist unsere Haltung stets mit der der alliierten Mächte in Übereinstimmung gewesen.

Der Krieg in Europa ist nun beendigt, und der Friedensvertrag mit Deutschland ist von den bevollmächtigten Vertretern der alliierten Mächte am 28. Juni d. J. in Paris unterzeichnet worden, womit dem Kriegszustande, der zwischen diesen Mächten und Deutschland bestand, ein Ende gemacht ist. Da China die in dem Vertrage aufgenommenen drei Artikel betreffend Shantung nicht guttheissen konnte, hat es sich geweigert, den Vertrag zu unterzeichnen.¹⁾ Die übrigen Artikel jedoch wurden von China, ebenso wie von den anderen Mächten ohne Ausnahme anerkannt. Nachdem der Kriegszustand zwischen den alliierten Mächten und Deutschland beendet ist, befindet sich China, da es gegenüber Deutschland zur Entente gehört, notwendigerweise in derselben Lage.

Mit Zustimmung des Parlaments, welches sich hierüber bereits ausgesprochen hat, wird hierdurch bekanntgegeben, dass der Kriegszustand zwischen der Chinesischen Republik und dem Deutschen Reich beendet ist. Dass unser ganzes Volk von dieser Proklamation Kenntnis nehme!“

CUBA.

In December 1919, the Cuban Government, unanimously approved the Peace Treaty with Germany²⁾, and on March 8th, 1920, the President's Instrument of ratification was deposited at Paris³⁾.

CZECHO-SLOVAKIA.

The Peace Treaty was submitted to the National Assembly for ratification, on October 9th, 1919.

On November 8th, after a speech by M. BENES, Secretary for Foreign Affairs, the National Assembly approved the Peace Treaty. Five resolutions were adopted, the first expressing the hope that the League of Nations would be an effective guarantee for the peace of the world.⁴⁾

¹⁾ The Peace Conference would not accept the reservation that the signing of the Peace Treaty should not prevent China from bringing the Shantung settlement before the League for revision.

²⁾ „Nieuwe Rotterdamsche Courant“, December 20th, 1910.

³⁾ „Le Temps“, March 11th, 1920.

⁴⁾ „Le Temps“, November 10th, 1919.

President MASARYK ratified the Peace Treaty, on November 10th, and on December 22nd, the Instrument of ratification, signed by the President, and by the Secretary for Foreign Affairs, was handed to the Secretariat of the Peace Conference.

FRANCE.

On July 1st, 1919, the Bill for the ratification of the Peace Treaty, was deposited with the Bureau of the Chamber of Deputies, by the Prime Minister, M. CLEMENCEAU, together with the Anglo-French, and American-French treaties of Defence. In the statement made by M. CLEMENCEAU, on that occasion, not a single word was said about the League of Nations.¹⁾

A Committee of 60 members, was elected to examine the Peace Treaty. This Committee met, for the first time, on July 3rd, M. VIVIANI being appointed President of the Committee, and M. BARTHOU *rappiteur*. Members were appointed to report especially upon the various Parts of the Peace Treaty, M. AUGAGNEUR being appointed to report on the first Part of the Peace Treaty, the League of Nations. After a number of sessions M. BARTHOU'S report was produced, moving the adoption of the Bill, approving of the Treaty. The report was adopted on August 4th, only two members voting against it.

M. BARTHOU'S report was submitted to the Chamber, on August 5th.²⁾

M. AUGAGNEUR'S report on the League of Nations³⁾, contains the following four conclusions :

„En ce qui concerne le Pacte envisagé, sans préoccupation, pour l'instant, des réclamations particulières à la France, nous devons imposer à notre Gouvernement de poursuivre sans relâche :

1. Tous les moyens d'amener le désarmement général ;
2. De reprendre les amendements de M. LÉON BOURGEOIS, visant la constitution, après la suppression des armées nationales, d'une force internationale assurant l'exécution des décisions de la Société ;
3. En considération du rôle généreux joué par la Belgique dès le début

¹⁾ „Journal des Débats”, July 1st, 1919.

²⁾ Documents Parlementaires de la Chambre. Annexe No. 6657. Session de 1919. Séance du 5 août 1919, p. 305.

³⁾ Documents parlementaires de la Chambre. Annexe No. 6563. Session de 1919. Séance du 6 août 1919, p. 385. The report is reproduced in full in „La Paix par le Droit”, for September/October 1919, p. 382.

de la guerre et de la reconnaissance que lui doit la France pour l'aide qu'elle lui a apportée en août 1914, en reconnaissance aussi de ce que lui doit l'humanité pour la noblesse avec laquelle elle s'est sacrifiée en affirmant le respect dû aux traités entre nations, de réclamer que Bruxelles soit désigné comme Siège de la Société des Nations ;

4. D'obtenir que les Membres de la Société ne puissent revendiquer la neutralité, et échapper ainsi aux stipulations du paragraphe de l'article 16."

The discussion in the Chamber of Deputies, began on August 26th ; the debates occupied several weeks ; we mention the speeches made by M. ALBERT THOMAS, on AUGUST 28th, by M. TAR-DIEU, on August 29th, by M. BARTHOU, on August 29th, and September 3rd, by M. FRANKLIN BOUILLON, on September 3rd, by M.M. SEMBAT and MISTRAL, on September 4th, by M. VIVIANI, on September 16th, by M. BARTHOU, on September 24th, by MM. CLEMENCEAU and RENAUDEL, on September 25th.

On October 2nd, M. LAFONT, read a statement on behalf of the Socialists ; the Bill was then adopted by 372 votes against 53, the minority containing the votes of 49 socialists. On October 4th, a number of resolutions was moved, dealing with the Peace Treaty ; the following motion, moved by MM. RENAUDEL and THOMAS, was adopted unanimously :

„La Chambre invite, en outre, le gouvernement de la France :

1°. à provoquer un accord avec M. le président WILSON, et dès que les Etats Unis auront ratifié le traité, la réunion immédiate de la Société des Nations.

2°. à mandater, en vue de cette réunion, les délégués de la France pour proposer l'examen des mesures qui, par la voie de la réduction progressive des armements, prévue par l'article VIII du Pacte de la Société des Nations permettront d'aboutir au désarmement général.”

In the Senate, it was resolved, on July 4th, that the Committee on Foreign Affairs should be entrusted with the study of the Peace Treaty, 9 new members being added to the Committee. The Committee, under the presidency of M. DE SELVES, appointed M. LÉON BOURGEOIS, as *rappporteur*, and M. DE LAS CASES was specially instructed to report on the League of Nations.

In the weeks that followed, several meetings of the Committee took place. The Committee, unanimously adopted M. BOURGEOIS' report, moving the adoption of the Bill, and the report by M. BOUR-

GEOIS, was submitted to the Senate on October 3rd¹⁾). Discussions on the Treaty of Peace were opened in the Senate, on October 9th, with a speech by M. BOURGEOIS. M. CLEMENCEAU spoke on October 11th, some other speeches followed, and the Bill was passed unanimously by 217 votes, M. DELAHAYE being the only Senator present who abstained from voting.

On October 13th, the President, M. POINCARÉ, signed the Instrument of ratification of the Peace Treaty; the State Seal was affixed to that document, on October 21st, and the document was lodged with the Ministry for Foreign Affairs.

The Bill for the approval of the Peace Treaty, reads as follows :

Le Sénat et la Chambre des députés ont adopté,

Le président de la République promulgue la loi dont la teneur suit :

Article unique. — Le président de la République est autorisé à ratifier et à faire exécuter, s'il y a lieu, le traité de paix signé à Versailles, le 28 juin 1919, par la France, les Etats Unis d'Amérique, l'empire britannique, l'Italie et le Japon, principales puissances alliées et associées, la Belgique, la Bolivie, le Brésil, la Chine, Cuba, l'Equateur, la Grèce, le Guatémala, Haïti, l'Hedjaz, le Honduras, le Libéria, le Nicaragua, le Panama, le Pérou, la Pologne, le Portugal, la Roumanie, l'Etat serbo-croate-slovène, le Siam, l'Etat tchéco-slovaque et l'Uruguay, d'une part, — et l'Allemagne, d'autre part; ainsi que les actes qui le complètent, savoir : le protocole signé le même jour par lesdites puissances, l'arrangement de même date entre la France, les Etats-Unis d'Amérique, la Belgique, l'empire britannique et l'Allemagne, concernant l'occupation des pays rhénans, et le traité entre la France, les Etats-Unis d'Amérique, l'empire britannique, l'Italie, le Japon et la Pologne.

Une copie authentique de ces documents sera annexée à la présente loi.²⁾

La présente loi, délibérée et adoptée par le Sénat et la Chambre des députés, sera exécutée comme loi d'Etat.

Fait à Paris, le 12 octobre 1919.

(signé) R. POINCARÉ.

(suivent les signatures de tous les ministres).

¹⁾ Documents Parlementaires du Sénat. Annexe No. 562. Session de 1919. Séance du 3 octobre 1919.

²⁾ Loi d'approbation du traité de Paix. „Journal Officiel”, October 12th, 1919.

GREECE.

On December 7th, 1919, Bills for the ratification of the Peace Treaties with Germany, Austria and Bulgaria, and the special agreement with Bulgaria, regarding the emigration of national minorities, were laid before the Chamber,¹⁾ and on March 7th, 1920, these Bills passed the first reading.²⁾

GUATEMALA.

„Le Temps” of October 6th, announced that the National Assembly ratified the Peace-Treaty with Germany.

ITALY.

On July 26th, 1919, the Prime Minister, M. NITTI, introduced into the Chamber of Deputies, the Bill to approve the Peace Treaty.³⁾

A Committee of 24 members, appointed by the President of the Chamber, was entrusted with the examination of this Bill. This Committee, which appointed M. LUZZATTI, as its President, and to report on the Bill, started, and concluded its labours immediately, on September 9th. The Committee adopted the Chairman's report, and he was authorized to present it to the Chamber.⁴⁾ The socialist members reserved the right to present a minority report, which was drawn up by M. MODIGLIANI.⁵⁾ M. LONGINOTTI submitted a minority report, in the name of the Italian Popular Party.

The above reports were presented to the Chamber of Deputies, on September 11th.

The Chamber intended to open discussion on the Peace Treaty, on October 1st; in the meantime the Fiume-incident took place, on September 29th, a Royal Decree was issued dissolving the Chamber, and on October 6th, the King ratified the Bill by Royal Decree.

This Decree reads as follows:⁶⁾

VITTORIO EMANUELE III

per grazia di Dio e per volontà della Nazione re d'Italia

Sulla proposta del Nostro ministro segretario di Stato per gli affari esteri;

¹⁾ „Times”, December 10th, 1919.

²⁾ „Nieuwe Rotterdamsche Courant”, March 8th, 1920.

³⁾ Atti Parlamentari Camera dei Deputati Sessione 1918-19 No. 1233.

⁴⁾ „Il Giornale d'Italia”, September 12th, 1919.

⁵⁾ Atti Parlamentari Camera dei Deputati Sessione 1918-19 No. 1233 A bis.

⁶⁾ Regio decreto che approva il trattato concluso fra l'Italia e la Germania, sottoscritto a Versaglia. „Gazetta Ufficiale”, October 7th, 1919 No. 238 p. 2977.

Udito il Nostro Consiglio dei ministri
Abbiamo decretato e decretiamo quanto segue:

Art. I.

È approvato il Trattato concluso fra l'Italia e la Germania, sottoscritto a Versaglia, addi ventotto giugno del corrente anno millenove centodiciannove.

Art. 2.

Il presente decreto sarà presentato al Parlamento per essere convertito in legge.

Art. 3.

Con altro Nostro decreto da presentare pure al Parlamento per la conversione in legge, sarà stabilito il giorno in cui dovrà essere considerato cessato lo stato di guerra per ogni effetto di ragione e di diritto.

Ordiniamo che il presente decreto, munito del sigillo dello Stato, sia inserito nella raccolta ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarlo e di farlo osservare.

Dato a San Rossore, addi 6 ottobre 1919.

VITTORIO EMANUELE.

NITTI—TITTONI.

Visto, Il guardasigilli : MORTARA.

Discussions on the Peace Treaty, in the Chamber of Deputies, took place, on December 13th, and on January 31st, 1920, the Royal Decree on the promulgation of the Peace Treaty was published.¹⁾

JAPAN.

The Peace Treaty was submitted to the Privy Council, on September 9th, 1919. A Committee of 9 members was instituted to report on the Treaty. The Committee reported favorably, and the Privy Council approved the Peace Treaty, on October 27th. The Treaty was then submitted to the Emperor, who signed on October 30th.²⁾

The Instrument of ratification was deposited at Paris on March 19th, 1920.

¹⁾ „Le Temps”, February 2nd, 1920.

²⁾ The Imperial Rescript, issued on the occasion of the Peace Treaty coming into force on January 10th, 1920, commemorates the foundation of the League of Nations. (“Times”, January 15th, 1920).

PANAMA.

On January 9th, 1920, the National Assembly ratified the Peace Treaty, by a unanimous vote.¹⁾

PERU.

On November 18th, 1919, the Peruvian National Assembly unanimously ratified the Peace Treaty,²⁾ and on March 9th, 1920, the President's Instrument of ratification was deposited at Paris.³⁾

POLAND.

The Bill for the Ratification of the Peace Treaty with Germany, was introduced in the Diet, on July 30th, 1919, together with the minority-treaty, signed between Poland and the Principal Allied and Associated Powers at Versailles, on June 28th.

On July 31st, the ratification was passed by 285 votes to 41, the minority being the votes recorded by the socialists.

„Le Temps” of October 30th, announced that M. PISUDZKI, in accordance with Art. 2 of the Bill, ratified the Peace Treaty.

The Ratification Bill reads as follows :

Art. 1.

La Diète de la République de Pologne confirme le Traité de Paix entre les Puissances Alliées et Associées et l'Allemagne signé par les représentants de la République IGNACE PADEREWSKI et ROMAN DMOWSKI à Versailles le 28 juin 1919, le procès-verbal, signé par les mêmes représentants à la même date, ainsi que le Traité entre les Principales Puissances Alliées et Associées et la Pologne signé par les mêmes représentants à Versailles le 28 juin 1919.

Art. 2.

La Diète de la République de Pologne autorise le Chef de l'Etat JOSEPH PISUDZKI à signer au nom de la République de Pologne la ratification des deux Traité ci-dessus, ainsi que le procès-verbal du 28 juin 1919.

¹⁾ „Westminster Gazette”, January 10th, 1920.

²⁾ „La Paix par le Droit”, for December, 1919, p. 533.

³⁾ „Le Temps”, March 12th, 1920.

Art. 3.

Le Président du Conseil et le Ministre des Affaires étrangères sont chargés de l'exécution de ladite loi.

Le Maréchal.

Le Président du Conseil.

Le Ministre des Affaires étrangères.

PORUGAL.

On February 1st, 1920, the Minister for Foreign Affairs presented to Parliament a Bill to approve the Peace Treaty of Versailles.¹⁾

SERB-CROAT-SLOVENE STATE.

The Instrument of ratification signed by the King of the Serb-Croat-Slovene State was deposited at Paris on February 10th, 1920.

UNITED STATES OF AMERICA.

The controversy on the ratification of the Peace Treaty, in the United States, was initiated, as far back as before the Peace Treaty had been signed. In that elementary stage many objections were raised against the Covenant. On December 3rd, 1919, the day before President WILSON left New York for Paris, to attend the Peace Conference, Senator KNOX moved "the postponement, until after the Peace Conference, of questions regarding the formation of a League of Nations". After the President's return to the U. S. — between the adoption of the Draft-Covenant, on February 14th, 1919, and the resumption of the negotiations at Paris — the problem of the League was widely discussed in the U. S.

On March 3rd, Senator LODGE tried to obtain a hearing for his "round robin" resolution. Although the resolution was not received, Senator LODGE succeeded in reading the 37 names of Senators, and Senators-elect, who had appended their signatures. The text of this resolution reads :²⁾

"Whereas, under the Constitution, it is a function of the Senate to advise and consent to, or dissent from, the ratification of any treaty of the United States, and no such treaty can become operative without the

¹⁾ "Le Temps", February 2nd, 1920.

²⁾ "League of Nations Magazine", for March, 1919, p. 170.

consent of the Senate expressed by the affirmative vote of two-thirds of the Senators present, and

Whereas, owing to the victory of the arms of the United States and of the nations with whom it is associated, a Peace Conference was convened, and is now in session at Paris for the purpose of settling the terms of peace; and,

Whereas, a Committee of the Conference has proposed a constitution for a League of Nations, and the proposal is now before the Peace Conference for its consideration;

Now, therefore, be it resolved, by the Senate of the United States in the discharge of its constitutional duty of advice in regard to treaties, that it is the sense of the Senate that, while it is the sincere desire that the nations of the world should unite to promote peace and general disarmament the Constitution of the League of Nations in the form now proposed to the Peace Conference should not be accepted by the United States.

And be it resolved further, that it is the sense of the Senate that the negotiations on the part of the United States should immediately be directed to the utmost expedition of the urgent business of negotiating peace terms with Germany satisfactory to the United States and the nations with whom the United States is associated in the war against the German Government, and the proposal for a League of Nations to insure the permanent peace of the world should be then taken up for careful and serious consideration."

The divergency of opinion existing in the Senate, appeared, i. a. from the joint debate on the Covenant between Senator LODGE and Mr. A. LAWRENCE LOWELL, President of Harvard University, at Boston, on March 19th, 1919.¹⁾ On March 29th, 1919, Mr. ELIHU ROOT, stated his opinion in a letter to Mr. WILLIAM H. HAYS, Chairman of the Republican National Committee. Mr. ROOT proposed the following amendments to the Draft Covenant :²⁾

1) Strike out Article XIII, and insert the following :—

"The High Contracting Powers agree to refer to the existing Permanent Court of Arbitration at The Hague or the Court of Arbitral Justice proposed at the Second Hague Conference, when established, or some other arbitral tribunal, all disputes between them (including those affecting honour and vital interests) which are of a justiciable character and which

¹⁾ "Souvenir Number" of "League of Nations" (published bimonthly by the World Peace Foundation) for April, 1919.

²⁾ "Times," April 1st, 1919.

the Powers concerned have failed to settle by diplomatic methods. The Powers so referring to arbitration agree to accept and give effect to the award of the tribunal. Disputes of a justiciable character are defined as disputes as to the interpretation of treaties, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the nature and extent of the reparation to be made for any such breach. Any question which may arise as to whether a dispute is of a justiciable character is to be referred for decision to the Court of Arbitral Justice, when constituted, or, until it is constituted, to the existing Permanent Court of Arbitration at The Hague."

2) To Article XIV add the following: —

"The Executive Council shall call a general conference of the Powers, to meet not less than two years nor more than five years after the signing of this Convention, for the purpose of reviewing the condition of international law, and of agreeing upon, and stating in an authoritative form, the principles and rules thereof. Thereafter regular conferences for that purpose shall be called and held at stated times."

3) Immediately before the signature of the American delegates insert the following reservation:—

"Inasmuch as in becoming a member of the League the United States of America is moved by no interest or wish to intrude upon or interfere with the political policy or internal administration of any foreign State, and by no existing or anticipated dangers in the affairs of the American continents, but accedes to the wish of the European States that it shall join its power to theirs for the preservation of the general peace, the representatives of the United States of America sign this Convention with the understanding that nothing therein contained shall be construed to imply the relinquishment by the United States of America of its traditional attitude towards purely American questions, or to require the submission of its policy regarding such questions (including therein the admission of immigrants) to the decision or recommendation of the Powers."

4) To Article X add the following: — "After the expiration of five years from the signing of this Convention any party may terminate its obligation under this Article by giving one year's notice in writing to the Secretary General of the League."

5) To Article IX add the following: — "Such Commission shall have full power of inspection and verification personally, and by authorized agents, as to all armament, equipment, munitions, and industries referred to in Article VIII."

6) To Article XXIV, add the following: — "The Executive Council shall call a general conference of Members of the League to meet not less than five, or more than ten, years after the signing of this Convention, or the reversion thereof, and at that time, or at any time thereafter, upon one year's notice, any Member may withdraw from the League."

When the Peace conditions presented to Germany, were published, many ardent American radicals joined hands with partisan and reactionary Senators, thus reinforcing the opposition to the President. On June 6th, Senator KNOX introduced a resolution in the Senate, which reads as follows: ¹⁾

"Whereas the Congress of the United States in declaring, pursuant to its exclusive authority under the Constitution, the existence of a state of war between the United States and the Imperial German Government solemnly affirmed that the Imperial Government has so "committed repeated acts of war against the Government and the people of the United States," that a state of war has been thrust upon them by that Government, and thereupon formally pledged the whole military and naval resources of the country "to bring the conflict to a successful termination"; and

Whereas the Senate of the United States, being a co-equal part of the treaty-making power of this Government and therefore co-equally responsible for any treaty which is concluded and ratified, is deeply concerned over the draft Treaty of Peace negotiated at Versailles, by which it is proposed to end our victorious war, and is gravely impressed by the fact that its provisions appear calculated to force upon us undesirable and far-reaching covenants inimical to our free institutions under the penalty that failing to accept these we shall continue in a state of war while our co-belligerents shall be at peace and enjoying its blessings; that it is proposed to make us parties to a League of Nations under a plan as to which the people of the United States have had neither time to examine and consider nor opportunity to express regarding it a matured and deliberate judgment, whereas the treaty may be easily so drawn as to permit the making of immediate peace, leaving the question of the establishment of a League of Nations for later determination; and that the treaty as drawn contains principles, guarantees and undertaking obliterative of legitimate race and national aspirations, oppressive of weak nations and peoples and destructive of human progress and liberty; therefore be it

¹⁾ "League of Nations Magazine", for June, 1919, p. 357.

Resolved by the Senate of the United States, 1. That it will regard as fully adequate for our national needs and as completely responsive to the duties and obligations we owe to our co-belligerents and to humanity a peace treaty which shall assure to the United States and its people the attainment of those ends for which we entered the war, and that it will look with disfavour upon all treaty provisions going beyond these ends.

2. That since the people of the United States have themselves determined and provided in their Constitution the only ways in which the Constitution may be amended, and since amendment by treaty stipulation is not one of the methods by which the people have so prescribed, the treaty making power of the United States has no authority to make a treaty which in effect amends the Constitution of the United States, and the Senate of the United States cannot advise and consent to any treaty provision which would have such effect if enforced.

3. That the Senate advises, in accordance with its constitutional right and duty, that the great paramount, if not the sole, duty of the Peace Conference is quickly to bring all the belligerents, a full and complete peace; that to this end the treaty shall be so drawn as to permit any nation to reserve without prejudice to itself for future separate and full consideration by its people the question of any League of Nations; that neither such an article nor the exercise of the rights reserved thereunder, whether at the time of signature, the time of ratification, or at any other time, shall affect the substance of the obligations of Germany and its co-belligerents under the treaty, nor the validity of signature and ratification on their behalf; and that any indispensable participation by the United States in matters covered by the League Covenant shall, pending the entry of the United States into the League, be accomplished through diplomatic commissions, which shall be created with full power in the premises.

4. That this resolution indicates and gives notice of the limits of the present obligations against the United States, in which the Senate of the United States is now prepared to acquiesce, by consenting to the ratification of a treaty embodying peace conditions that may be found otherwise acceptable to its judgment, and that the adoption by the Peace Conference of the foregoing reasonable limitations and positions will facilitate the early acceptance of the Treaty of Peace, by the Senate of the United States will in no wise interfere with the League of Nations, as between these countries prepared to ratify the treaty without further consideration, and will afford such a manifestation of real respect for the wishes of a great people as cannot fail more firmly to cement the friendship already existing between ourselves and our co-belligerents.

5. That finally it shall be the declared policy of our Government in order to meet fully and fairly our obligations to ourselves and to the world that the freedom and peace of Europe being again threatened by any Power or combination of Powers the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other Powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and co-operation with our chief co-belligerents for the defence of civilization."

This resolution was referred to the Senate Committee on Foreign Relations, which reported favorably upon it.¹⁾ Although this resolution was not pressed to a vote, the idea of severing the Covenant from the Peace Treaty succeeded in acquiring greater adherence, as appears from a letter from Mr. ELIHU ROOT, to Senator LODGE, of June 22nd, dealing with the text of the revised Covenant.²⁾ This letter begins by saying :

"I should be glad to see the peace terms, and the League of Nations' Covenant, separated, as proposed in the resolution offered by Senator KNOX, so that the latter could be considered by the people of the country without coercion from the necessities of speedy peace."

Mr. WILLIAM H. TAFT suggested a series of resolutions which, in his opinion, might easily be transformed into reservations.³⁾

On July 10th, the President submitted the Peace Treaty to the Senate ; the President's formal address to the Senate on that occasion, deals with the League of Nations as follows :⁴⁾

"The Treaty of Peace with Germany was signed at Versailles on June 28th. I avail myself of the earliest opportunity to lay the Treaty before you for ratification and to inform you, with regard to the work of the conference, by which that Treaty was formulated.

The Treaty constitutes nothing less than a world settlement. It would not be possible for me, either to summarize, or to construe its manifold provisions, in an address which must of necessity be something less than a treatise. My services, and all the information I possess, will be at your disposal and at the disposal of your Committee on Foreign Relations, at any time, either informally, or in session, as you may prefer, and I

¹⁾ The last paragraph was struck out by the Senate Committee.

²⁾ "Advocate of Peace", for July, 1919, p. 211.

³⁾ "Advocate of Peace", for July, 1919, p. 208.

⁴⁾ "Current History", for August, 1919, p. 209.

hope that you will not hesitate to make use of them. I shall at this time, prior to your own study of the document, attempt only a general characterization of its scope and purpose.

In one sense, no doubt, there is no need that I should report to you what was attempted and done at Paris. You have been daily cognizant of what was going on there—of the problems with which the Peace Conference had to deal and of the difficulty of laying down straight lines of settlement anywhere on a field on which the old lines of international relationship, and the new alike, followed so intricate a pattern and were for the most part cut so deep by historical circumstances which dominated action where it would have been best to ignore or reverse them. The cross-currents of politics, and of interest, must have been evident to you. It would be presuming in me to attempt to explain the questions which arose, or the many diverse elements that entered into them. I shall attempt something less ambitious than that, and more clearly suggested by my duty to report to the Congress the part it seemed necessary for my colleagues and me to play as the representatives of the Government of the United States.

That part was dictated by the rôle America had played in the war, and by the expectations that had been created in the minds of the peoples with whom we had associated ourselves, in that great struggle.

The United States entered the war upon a different footing from every other nation, except our associates on this side of the sea. We entered it, not because our material interests were directly threatened, or because any special treaty obligations, to which we were parties, had been violated, but only because we saw the supremacy and 'even the validity of right everywhere put in jeopardy, and free government likely to be everywhere imperiled by the intolerable aggression of a power which respected neither right nor obligation, and whose very system of government flouted the rights of the citizen as against the autocratic authority of his governors.

And in the settlements of the peace, we have sought no special reparation for ourselves, but only the restoration of right, and the assurance of liberty everywhere that the effect of the settlement were to be felt. We entered the war as the disinterested champions of right, and we interested ourselves in the terms of the peace in no other capacity. . . .

And the compulsion of what they (our soldiers) stood for was upon us who represented America at the peace table. It was our duty to see to it that every decision we took part in, contributed, so far as we were able to influence it, to quiet the fears, and realize the hopes, of the

peoples who had been living in that shadow, the nations that had come by our assistance to their freedom. It was our duty to do everything, that it was within our power to do, to make the triumph of freedom, and of right, a lasting triumph, in the assurance of which men might everywhere live without fear.

Old entanglements of every kind, stood in the way—promises which Governments had made to one another in the days when might and right were confused, and the power of the victor was without restraint. Engagements which contemplated any dispositions of territory, any extensions of sovereignty that might seem to be to the interest of those who had the power to insist upon them, had been entered into without thought of what the peoples concerned might wish or profit by; and these could not always be honorably brushed aside.

It was not easy to graft the new order of ideas in the old, and some of the fruits of the grafting, may, I fear, for a time be bitter. But, with very few exceptions, the men who sat with us at the peace table desired as sincerely as we did, to get away from the bad influences, the illegitimate purposes, the demoralizing ambitions, the international counsels and expedients out of which the sinister designs of Germany had sprung as a natural growth.

It had been our privilege to formulate the principles which were accepted as the basis of the peace, but they had been accepted, not because we had come in to hasten, and assure the victory, and insisted upon them, but because they were readily acceded to as the principles to which honorable and enlightened minds everywhere had been bred. They spoke the conscience of the world as well as the conscience of America, and I am happy to pay my tribute of respect and gratitude to the able, forward-looking men, with whom it was my privilege to cooperate for their unfailing spirit of co-operation, their constant effort to accommodate the interests they represented to the principles we were all agreed upon.

The difficulties, which were many, lay in the circumstances, not often in the men. Almost without exception, the men who led, had caught the true and full vision of the problem of peace as an indivisible whole, a problem not of mere adjustments of interest but of justice and right action.

The atmosphere in which the conference worked seemed created, not by the ambitions of strong government, but by the hopes and aspirations of small nations and of peoples, hitherto under bondage to the power that victory had shattered and destroyed.

Two great empires had been forced into political bankruptcy, and we

were the receivers. Our task was not only to make peace with the Central Empires and remedy the wrongs their armies had done. The Central Empires had lived in open violation of many of the very rights for which the war had been fought, dominating alien peoples over whom they had no natural right to rule, enforcing, not obedience, but veritable bondage ; exploiting those who were weak, for the benefit of those who were masters and overlords only by force of arms. There could be no peace, until the whole order of Central Europe was set right.

That meant that new nations were to be created, Poland, Czechoslovakia, Hungary itself. No part of ancient Poland had ever in any true sense become a part of Germany, or of Austria, or of Russia. Bohemia was alien, in every thought and hope, to the monarchy of which she had so long been an artificial part ; and the uneasy partnership between Austria and Hungary, had been one rather of interest, than of kinship or sympathy. The Slavs, whom Austria had chosen to force into her empire on the south were kept to their obedience by nothing but fear. Their hearts were with their kinsmen in the Balkans.

These were all arrangements of power, not arrangements of natural union or association. It was the imperative task of those who would make peace, and make it intelligently, to establish a new order which would rest upon the free choice of peoples, rather than upon the arbitrary authority of Hapsburgs or Hohenzollerns.

More than that, great populations, bound by sympathy and actual kin to Rumania, were also linked, against their will, to the conglomerate Austro-Hungarian Monarchy, or to other alien sovereignties, and it was part of the task of peace to make a new Rumania, as well as a new Slavic State, clustering about Serbia.

And no natural frontiers could be found to these new fields of adjustment and redemption. It was necessary to look constantly forward to other related tasks. The German colonies were to be disposed of. They had not been governed; they had been exploited merely, without thought of the interest or even the ordinary human rights, of their inhabitants.

The Turkish Empire, moreover, had fallen apart, as the Austro-Hungarian had. It had never had any real unity. It had been held together only by pitiless, inhuman force. Its peoples cried aloud for release, for succor, from unspeakable distress, for all that the new day of hope seemed at last to bring within its dawn. Peoples hitherto in utter darkness were to be led out into the same light, and given at last a helping hand. Undeveloped peoples, and peoples ready for recognition, but not yet ready to assume the full responsibilities of statehood, were to be given adequate guarantees of friendly protection, guidance, and assistance.

And out of the execution of these great enterprises of liberty, sprang opportunities to attempt what statesmen had never found the way before to do ; an opportunity to throw safeguards about the rights of racial, national and religious minorities, by solemn international covenants ; an opportunity to limit and regulate military establishments where they were most likely to be mischievous ; an opportunity to effect a complete and systematic internationalization of waterways and railways which were necessary to the free economic life of more than one nation, and to clear many of the normal channels of commerce, of unfair obstructions of law, or of privilege, and the very welcome opportunity to secure for labour the concerted protection of definite international pledges of principle and practice.

These were not tasks which the Conference looked about it to find, and went out of its way to perform. They were inseparable from the settlements of peace. They were thrust upon it by circumstances which could not be overlooked. The war had created them.

In all quarters of the world, old-established relationships had been disturbed, or broken, and affairs were at loose ends, needing to be mended or united again, but could not be made what they were before. They had to be set right by applying some uniform principle of justice or enlightened expediency. And they could not be adjusted by merely prescribing, in a treaty, what should be done.

New States were to be set up which could not hope to live through their first period of weakness without assured support by the great nations that had consented to their creation, and won for them their independence. Ill-governed colonies could not be put in the hands of Governments which were to act as trustees for their people, and not as their masters, if there was to be no common authority among the nations to which they were to be responsible in the execution of their trust.

Future international conventions with regard to the control of waterways, with regard to illicit traffic, of many kinds, in arms, or in deadly drugs, or with regard to the adjustment of many varying international administrative arrangements, could not be assured, if the Treaty were to provide no permanent common international agency, if its execution in such matters was to be left to the slow and uncertain processes of co-operation by ordinary methods of negotiation.

If the Peace Conference itself was to be the end of co-operative authority and common counsel among the Governments to which the world was looking to enforce justice and give pledges of an enduring settlement, regions like the Sarre-Basin could not be put under a temporary administrative régime which did not involve a transfer of political sove-

reignty, and which contemplated a final determination of its political connections by popular vote to be taken at a distant date; no free city like Danzig could be created, which was, under elaborate international guarantees, to accept exceptional obligations with regard to the use of its port, and exceptional relations with a State of which it was not to form a part; properly safeguarded plebiscites could not be provided for where populations were at some future date to make choice what sovereignty they would live under; no certain and uniform method of arbitration could be secured for the settlement of anticipated difficulties of final decision with regard to many matters dealt with in the treaty itself; the long-continued supervision of the task of reparation, which Germany was to undertake to complete within the next generation might entirely break down; the reconsideration and revision of administrative arrangements and restrictions which the Treaty prescribed but which it was recognized might not prove of lasting advantage or entirely fair if too long enforced would be impracticable.

The promises Governments were making to one another, about the way in which labour was to be dealt with, by law, not only, but in fact as well, would remain a mere humane thesis, if there was to be no common tribunal of opinion and judgment to which liberal statesmen could resort for the influences which alone might secure their redemption.

A league of free nations had become a practical necessity. Examine the Treaty of Peace, and you will find that everywhere throughout its manifold provisions, its framers have felt obliged to turn to the League of Nations, as an indispensable instrumentality for the maintenance of the new order it has been their purpose to set up in the world—the world of civilized men.

That there should be a League of Nations, to steady the counsels and maintain the peaceful understandings of the world, to make, not treaties alone, but the accepted principles of international law as well, the actual rule of conduct among the Governments of the world had been one of the agreements accepted from the first as the basis of peace with the Central Powers.

The statesmen of all the belligerent countries were agreed that such a League must be created, to sustain the settlements that were to be effected. But at first I think there was a feeling among some of them that, while it must be attempted, the formation of such a League was perhaps a counsel of perfection, which practical men, long experienced in the world of affairs, must agree to very cautiously and with many misgivings. It was only as the difficult work of arranging an all but universal adjustment of the world's affairs advanced from day to day from one stage of

conference to another that it became evident to them that what they were seeking would be little more than something written upon paper, to be interpreted and applied by such methods as the chances of politics might make available, if they did not provide a means of common counsel which all were obliged to accept, a common authority whose decisions would be recognized as decisions which all must respect.

And so the most practical, the most sceptical among them, turned more and more to the League as the authority through which international action was to be secured, the authority without which, as they had come to see it, it would be difficult to give assured effect either to this Treaty, or to any other international understanding upon which they were to depend for the maintenance of peace.

The fact that the Covenant of the League was the first substantive part of the Treaty to be worked out, and agreed upon, while all else was in solution, helped to make the formulation of the rest easier. The Conference was, after all, not to be ephemeral. The concert of nations was to continue, under a definite Covenant, which had been agreed upon and which all were convinced was workable. They could go forward with confidence to make arrangements intended to be permanent.

The most practical of the conferees were at last the most ready to refer to the League of Nations the superintendence of all interests which did not admit of immediate determination, of all administrative problems which were to require a continuing oversight. What had seemed a counsel of perfection had come to seem a plain counsel of necessity. The League of Nations was the practical statesman's hope of success in many of the most difficult things he was attempting.

And it had validated itself in the thought of every member of the Conference, as something much bigger, much greater every way, than a mere instrument for carrying out the provisions of a particular treaty. It was universally recognized that all the peoples of the world demanded of the Conference that it should create such a continuing concert of free nations as would make wars of aggression and spoliation, such as this that has just ended, forever impossible. A cry had gone out from every home in every stricken land from which sons and brothers and fathers had gone forth to the great sacrifice, that such a sacrifice should never again be exacted. It was manifest why it had been exacted. It had been exacted because one nation desired dominion, and other nations had known no means of defense except armaments and alliances.

War had lain at the heart of every arrangement of the Europe—of every arrangement of the world—that preceded the war. Restive peoples had been told that fleets and armies, which they toiled to sustain,

meant peace; and they now knew that they had been lied to, that fleets and armies had been maintained, to promote national ambitions, and meant war. They knew that no old policy meant anything else but force, force,—always force. And they knew that it was intolerable. Every true heart in the world, and every enlightened judgment demanded that, at whatever cost of independent action, every Government that took thought for its people or for justice or for ordered freedom should lend itself to a new purpose and utterly destroy the old order of international politics.

Statesmen might see difficulties, but the people could see none and could brook no denial. A war in which they had been bled white to beat the terror that lay concealed in every balance of power, must not end in a mere victory of arms and a new balance. The monster that had resorted to arms must be put in chains that could not be broken. The united power of free nations must put a stop to aggression, and the world must be given peace. If there was not the will or the intelligence to accomplish that now, there must be another and a final war and the world must be swept clean of every power that could renew the terror.

The League of Nations was not merely an instrument to adjust and remedy old wrongs under a new Treaty of Peace; it was the only hope for mankind. Again and again had the demon of war been cast out of the house of the peoples and the house swept clean by a Treaty of Peace, only to prepare a time when he would enter in again with spirits worse than himself. The house must now be given a tenant who could hold it against all such.

Convenient, indeed indispensable, as statesmen found the newly planned League of Nations to be for the execution of present plans of peace and reparation they saw it in a new aspect before their work was finished. They saw it as the main object of the peace, as the only thing that could complete it or make it worth while. They saw it as the hope of the world, and that hope they did not dare to disappoint.

Shall we or any other free people hesitate to accept this great duty? Dare we reject it and break the heart of the world?

And so the result of the Conference of Peace, so far as Germany is concerned, stands complete. The difficulties encountered were very many. Sometimes they seemed insuperable. It was impossible to accommodate the interests of so great a body of nations—interests which directly or indirectly affected almost every nation in the world—without many minor compromises.

The Treaty, as a result, is not exactly what we would have written. It is probably not what any one of the national delegations would have written. But results were worked out which on the whole bear test.

I think that it will be found that the compromises, which were accepted as inevitable, nowhere cut to the heart of any principle. The work of the Conference squares, as a whole, with the principles agreed upon as the basis of the peace as well as with the practical possibilities of the international situations which had to be faced and dealt with as facts.

I shall presently have occasion to lay before you a special treaty with France, whose object is the temporary protection of France from unprovoked aggression by the power with whom this Treaty of Peace has been negotiated. Its terms link it with this Treaty. I take the liberty, however, of reserving it for special explication on another occasion.

The rôle which America was to play in the Conference seemed determined, as I have said, before my colleagues and I got to Paris—determined by the universal expectations of the nations whose representatives, drawn from all quarters of the globe, we were to deal with. It was universally recognized that America had entered the war to promote no private or peculiar interest of her own, but only as the champion of rights which she was glad to share with free men and lovers of justice everywhere.

We had formulated the principles upon which the settlement was to be made—the principles upon which the armistice had been agreed to and the parleys of peace undertaken—and no one doubted that our desire was to see the Treaty of Peace formulated along the actual lines of those principles—and desired nothing else. We were welcomed as disinterested friends. We were resorted to as arbiters in many a difficult matter.

It was recognized that our material aid would be indispensable in the days to come, when industry and credit would have to be brought back to their normal operation again and communities beaten to the ground assisted to their feet once more, and it was taken for granted, I am proud to say, that we would play the helpful friend in these things as in all others without prejudice or favour. We were generously accepted as the unaffected champions of what was right.

It was a very responsible rôle to play; but I am happy to report that the fine group of Americans, who helped with their expert advice in each part of the varied settlements, sought in every transaction to justify the high confidence reposed in them. And that confidence, it seems to me, is the measure of our opportunity and of our duty in the days to come.

America may be said to have just reached her majority as a world power. It was almost exactly twenty-one years ago that the results of the war with Spain put us unexpectedly in possession of rich islands on the other side of the world and brought us into association with other Governments in the control of the West-Indies.

It was regarded as a sinister and ominous thing by the Statesmen of more than one European Chancellery that we should have extended our power beyond the confines of our continental dominions. They were accustomed to think of new neighbours as a new menace, of rivals as watchful enemies.

There were persons among us at home who looked with deep disapproval, and avowed anxiety on such extensions of our national authority over distant islands and over peoples whom they feared we might exploit, not serve and assist. But we have not exploited them. We have been their friends and have sought to serve them. And our dominion has been a menace to no other nation. We redeemed our honour to the utmost in our dealings with Cuba. She is weak but absolutely free, and it is her trust in us that makes her free.

Weak peoples everywhere stand ready to give us any authority among them that will assure them a like friendly oversight and direction. They know that there is no ground for fear in receiving us as their mentors and guides.

Our isolation was ended twenty years ago, and now fear of us is ended also, our counsel and association sought after and desired. There can be no question of our ceasing to be a world power. The only question is whether we can refuse the moral leadership that is offered us, whether we shall accept or reject the confidence of the world.

The war and the Conference of Peace, now sitting in Paris, seem to me to have answered that question. Our participation in the war established our position among the nations, and nothing but our own mistaken action can alter it. It was not an accident or a matter of sudden choice that we are no longer isolate and devoted to a policy which has only our own interest and advantage for its object. It was our duty to go in, if we were, indeed, the champions of liberty and of right.

We answered to the call of duty in a way so spirited, so utterly without thought of what we spent of blood or treasure, so effective, so worthy of the admiration of true men everywhere, so wrought out of the stuff of all that was heroic, that the whole world saw at last, in the flesh, in noble action, a great ideal asserted and vindicated by a nation they had deemed material and now found to be compact of the spiritual forces that must free men of every nation from every unworthy bondage. It is thus that a new rôle and a new responsibility have come to this great nation that we honour, and which we would all wish to lift to yet higher levels of service and achievement.

The stage is set, the destiny disclosed. It has come about by no plan of

our conceiving but by the hand of God, who led us into this way. We cannot turn back. We can only go forward, with lifted eyes and freshened spirit, to follow the vision. It was of this that we dreamed at our birth. America shall in truth show the way. The light streams upon the path ahead and nowhere else."

The Treaty was referred to the Foreign Relations Committee, on July 15th.

In the meantime, in the Senate a debate began over the ratification of the Treaty, and on July 17th, the President started a series of interviews with Senators, in order to give information relative to the Treaty and the Covenant.

Mr. TAFT tried to formulate some interpretative reservations, in order to meet the objections of a large group of Republicans. These suggestions were laid down in a letter to Mr. WILLIAM H. HAYS, of July 20th, and read as follows :¹⁾

1. That upon two years' notice the United States could cease to be a Member of the League without having the League pass upon whether she had fulfilled all her obligations under the Covenant.
2. That self-governed colonies and dominions could not be represented on the League Council at the same time with the mother government, or be included in any of those clauses where the parties to the dispute are excluded from its settlement.
3. That the functioning of the Council under Article X shall be advisory only, and that each member shall be left free to determine questions of war in its own way, the decision of the United States resting with Congress.
4. That differences between the nations regarding immigration, the tariff, and other domestic questions shall not be left to the League for settlement.
5. That the Monroe Doctrine is to be reserved for administration by the United States.
6. That the United States reserves the right to withdraw unconditionally at the end of ten years, or at least to terminate then her obligations under Article X."

On August 19th, President WILSON met the Foreign Relations Committee, and replied to a number of questions put to him. On August 27th, the President announced that he would make a tour of the States, in order to arouse public opinion in favour of the Peace

¹⁾ "Current History", for September, 1919, p. 383.

Treaty and the League of Nations. This tour started on September 3rd, but was suddenly interrupted by the President's illness on September 26th.

The Foreign Relations Committee reported to the Senate, on September 4th, its report was not unanimous. Senator LODGE, for the Republican majority, signed a report recommending 46 textual amendments, and 4 reservations. The latter contain the following :

- (1) To give the United States six votes in the League in order to equalize her voting strength with that of the British Empire;
- (2) To exclude the United States from participation in various commissions created under the League, except the Reparations Commission, American participation in which is to be confined to matters connected with shipping;
- (3) To hand over the German rights in Shantung to China instead of Japan;
- (4) To prevent any country interested in a dispute before the League from sitting in judgment upon that dispute.

Senator MC CUMBER submitted a report, without amendments, recommending 6 reservations, and Senator HITCHCOCK, on behalf of the democratic minority, in a report, took exception to the majority report, and advocated ratification, without amendment or reservation. The Committee of the Whole Senate, rejected the majority report, Senator LODGE withdrew the original reservations, and a majority of the Committee accepted texts of the principal reservations as drafted by the mild reservationists.

On September 15th, the Treaty came up for debate before the full Senate. From October 2nd—29th, all amendments were defeated, and on November 6th, the Senate began to deal with the reservations, which had finally been framed by the majority of the Foreign Relations Committee, to the number of 14. The resolution including these 14 reservations reads as follows :¹⁾

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratifi-

¹⁾ Special number of "League of Nations" (published by the World Peace Foundation) for December, 1919.

cation is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four Principal Allied and Associated Powers to wit, Great Britain, France, Italy, and Japan:

1. The United States so understands and construes Article I that in case of notice of withdrawal from the League of Nations, as provided in said Article, the United States shall be the sole judge as to whether all its international obligations, and all its obligations under the said Covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether Members of the League or not—under the provisions of Article X, or to employ the military or naval forces of the United States under any article of the Treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under Article XXII, Part I, or any other provision of the Treaty of Peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this Treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other Power.

5. The United States will not submit to arbitration or to inquiry by the Assembly or by the Council of the League of Nations, provided for in said Treaty of Peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said Treaty of Peace with Germany.

6. The United States withholds its assent to Articles 156, 157, and 158 and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the Assembly and the Council of the League of Nations and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council, or conference, or in the selection of any members thereof, and for the appointment of members of said commissions, committees, tribunals, courts, councils, or conferences, or any other representatives under the Treaty of Peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said League of Nations or the Treaty of Peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils, or conferences, except with the approval of the Senate of the United States.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the Secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the Treaty or for the purpose of carrying out the Treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the Council of the League of Nations under the provisions of Article VIII, it reserves the right to increase such armaments without the consent of the Council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking State, as defined in Article XVI of the Covenant of the League of Nations, residing within the United States or in countries other than that violating said Article XVI, to continue their commercial, financial, and personal relations with the nationals of the United States.

12. Nothing in articles 296, 297, or in any of the annexes thereto or in any other article, section, or annex of the Treaty of Peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (Articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. The United States assumes no obligation to be bound by any election, decision, report, or finding of the Council or Assembly in which any Member of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report, or finding of the Council or Assembly arising out of any dispute between the United States and any Member of the League if such Member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted."

These 14 reservations were adopted by the Senate, on November 18th, and on November 19th, Senator LODGE'S resolution for ratification, with these 14 reservations appended, was defeated by 39 votes to 55.¹⁾ Hence the resolution of ratification was rejected, two-thirds of the Senators present not having voted in favour thereof.²⁾

Mr. REED moved, to reconsider the above vote. This motion to reconsider was voted upon, the yeas, being 63 and the nays, 30. The Vice-President declared the Treaty to be in the Committee of the Whole Senate. However, the Senate, yeas 42, nays 51, overruled the Chair, and the Treaty was accordingly in the Senate. After several other votes, the resolution of ratification was again voted upon. The roll call resulted in, yeas 41, nays 51, the resolution not having received the constitutional two-thirds, it was again rejected.

Mr. HITCHCOCK, leader of the Administration forces, secured

¹⁾ The President had written a letter to Mr. HITCHCOCK expressing his confidence that the Democratic Senators would all refuse to support the LODGE-resolution. When read in the Senate it promptly called forth a protest from Mr. LODGE ("Advocate of Peace", for November, 1919, p. 332).

²⁾ By the Constitution of the U.S. Art. II., Section 2, paragraph 2, the President has power "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

a vote on reservations, which represented the opinion of himself and of his party, and which were accepted by the President in the following terms :

"That the Treaty be referred to the Committee of the Whole with instructions to report it back to the Senate with the following reservations :

That any member nation proposing to withdraw from the League on two years' notice is the sole judge as to whether its obligations referred to in Article I of the League of Nations have been performed as required in said article.

That no member nation is required to submit to the League, its Council, or its Assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question such as immigration, labor, tariff, or other matter relating to its internal or coast-wise affairs.

That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the Covenant of the League of Nations and is not subject to any decision, report, or inquiry by the Council or Assembly.

That the advice mentioned in Article X of the Covenant of the League which the Council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject according to the conscience and judgment of its then existing Government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone under the Constitution of the United States having the power to declare war.

That in case of a dispute between members of the League if one of them have self-governing colonies, dominions, or parts which have representation in the Assembly, each and all are to be considered parties to the dispute ; and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the Assembly."

The result of the vote was, yeas 41, nays 50, abstentions 4. Senator UNDERWOOD then submitted the following resolution :

"Resolved that the Senate do advise and consent to the ratification of the Treaty of Peace with Germany concluded at Versailles on the 28th day of June, 1919."

The result was, yeas 38, and nays 53, the resolution thus being rejected. Thereupon Mr. LODGE moved, to lay the motion to reconsider, on the table, which motion was agreed to by 48 votes to 42.

Senator LODGE then presented the following resolution :¹⁾

"Whereas by resolution of Congress, adopted on April 6th, 1917, and by reason of acts committed by the then German Government, a state of war was declared to exist between that Government and the United States; and

whereas the said acts of the German Government have long since ceased; and

whereas by an Armistice signed on November 11th, 1918, hostilities between Germany and the Allied and Associated Powers were terminated; and

whereas by the terms of the Treaty of Versailles Germany is to be at peace with all the nations engaged in war against her, whenever three Governments, designated therein, have ratified the said Treaty;

now, therefore, be it resolved by the Senate (the House of Representatives concurring), that the said state of war between Germany and the United States is hereby declared to be at an end."

This resolution was referred to the Foreign Relations Committee, and the Senate adjourned *sine die*.

Congress reassembled on December 1st, and on December 13th, Mr. KNOX moved :

"That the Senate of the United States unreservedly advises and consents to the ratification of the Treaty of Versailles in so far as it provides for the creation of a status of peace between the United States and Germany."

At the same time, he moved a joint resolution, declaring that a state of peace exists between the U. S. and Germany. Mr. HITCHCOCK prevented immediate action on these proposals, and moved the following resolution :²⁾

"Resolved, that the President of the Senate shall appoint a Committee of ten Senators, who shall consider ways and means of securing, at the

¹⁾ "Advocate of Peace", for November, 1919, p. 332.

²⁾ Mr. HOLT indicated the possibilities of conciliation in an article "Compromize" in "The Independent", January 10th, 1920, p. 59.

earliest possible moment, ratification of the Treaty of Peace with Germany and report to the Senate such resolution of ratification as, in their judgment, will get the approval of not less than two-thirds of members of the Senate."

On December 17th, the resolutions of Mr. KNOX were referred to the Committee on Foreign Relations, and this Committee reported the KNOX-resolution to the Senate, in a redrafted form, on December 20th. During the Christmas-recess, several efforts for compromise were made, but in vain. On January 5th, the Senate met again.

On January 8th, the President, in a letter to the Quadrennial Jackson Day Dinner, explained his refusal to compromise. This document, which is the President's first and only public declaration regarding the Treaty since his illness, is reproduced here in full :¹⁾

"It is with keenest regret that I find that I am to be deprived of the pleasure and privilege of joining you and the other loyal Democrats who are to assemble to-night to celebrate Jackson Day and renew their vows of fidelity to the great principles of our party, the principles which must now fulfil the hopes not only of our own people but of the world.

The United States enjoyed the spiritual leadership of the world until the Senate of the United States failed to ratify the treaty by which the belligerent nations sought to effect the settlements for which they had fought throughout the war. It is inconceivable that at this supreme crisis and final turning point in the international relations of the whole world, when the results of the Great War are by no means determined and are still questionable and dependent upon events which no man can foresee or count upon, the United States should withdraw from the concert of progressive and enlightened nations by which Germany was defeated and all simular Governments (if the world be so unhappy as to contain any) warned of the certain consequence of any attempt of a like iniquity.

And yet that is the effect of the course the Senate of the United States has taken with regard to the Treaty of Versailles. Germany is beaten, but we are still at war with her, and the old stage is reset for a repetition of the old plot. It is now ready for the resumption of the old offensive and defensive alliances which made settled peace impossible. It is now open gain to every sort of intrigue. The old spies are free to resume their former abominable activities. They are again at liberty to make it impossible for Governments to be sure what mischief is being worked among their own people, what internal disorders are being fomented.

¹⁾ "The Sun", January 9th, 1920.

Without the Covenant of the League of Nations, there may be as many secret treaties as ever, to destroy the confidence of Governments in each other, and their validity cannot be questioned. None of the objects we professed to be fighting for has been secured or can be made certain of without this nation's ratification of the Treaty and its entry into the Covenant. This nation entered the Great War to vindicate its own rights and to protect and preserve free government. It went into the war to see it through to the end, and the end has not yet come. It went into the war to make an end of militarism, to furnish guarantees to weak nations and to make a just and lasting peace. It entered it with noble enthusiasm. Five of the leading belligerents have accepted the Treaty and formal ratifications will soon be exchanged.

The question is whether this country will enter and enter wholeheartedly. If it does not do so the United States and Germany will play a lone hand in the world. The maintenance of the peace of the world and the effective execution of the Treaty depend upon the wholehearted participation of the United States. I am not stating it as a matter of power. The point is that the United States is the only nation which has sufficient moral force with the rest of the world to guarantee the substitution of discussion for war. If we keep out of this agreement, if we do not give our guarantees, then another attempt will be made to crush the new nations of Europe.

I do not believe that this is what the people of this country wish or will be satisfied with. Personally, I do not accept the action of the Senate of the United States as the decision of the nation. I have asserted from the first that the overwhelming majority of the people of this country desire the ratification of the Treaty, and my impression to that effect has recently been confirmed by the unmistakable evidence of public opinion given during my visit to seventeen of the States. I have endeavored to make it plain that if the Senate wishes to say what the undoubted meaning of the League is I shall have no objection. There can be no reasonable objection to interpretations accompanying the act of ratification itself. But when the Treaty is acted upon I most know whether it means that we have ratified or rejected it.

We cannot rewrite this Treaty. We must take it without changes which alter its meaning or leave it, and then, after the rest of the world has signed it, we must face the unthinkable task of making another and separate kind of treaty with Germany. But no mere assertions with regard to the wish and opinion of the country are credited. If there is any doubt as to what the people of the country think on this vital matter, the clear and single way out is to submit it for determination at the

next election to the voters of the nation, to give the next election the form of a great and solemn referendum, a referendum as to the part the United State is to play in completing the settlements of the war and in the prevention in the future of such outrages as Germany attempted to perpetrate.

We have no more moral right to refuse now to take part in the execution and administration of these settlements than we had to refuse to take part in the fighting of the last few weeks of the war which brought victory and made it possible to dictate to Germany what the settlements should be. Our fidelity to our associates in the war is in question, and the whole future of mankind. It will be heartening to the whole world to know the attitude and purpose of the people of the United States.

I spoke just now of the spiritual leadership of the United States, thinking of international affairs. But there is another spiritual leadership which is open to us and which we can assume. The world has been made safe for democracy, but democracy has not been finally vindicated. All sorts of crimes are being committed in its name, all sorts of preposterous perversions of its doctrines and practices are being attempted. This, in my judgment, is to be the great privilege of the Democracy of the United States, to show that it can lead the way in the solution of the great social and industrial problems of our time, and lead the way to a happy settled order of life as well as to political liberty. The programme for this achievement we must attempt to formulate, and in carrying it out we shall do more than can be done in any other way to sweep out of existence the tyrannous and arbitrary forms of power which are now masquerading under the name of popular government."

Meanwhile private and unofficial discussions between the Senators continued; Mr. TAFT, Mr. BRYAN and others, tried to exercise moderating influences. Mr. TAFT prepared the following reservation to Art. X:¹⁾

"The United States declines to assume any legal or binding obligation to preserve the territorial integrity or political independence of any other country under the provisions of Article X, or to employ the military or naval forces of the United States under any Article of the Treaty for any purpose; but the Congress, which, under the Constitution, has the sole power in the premises, will consider and decide what moral obligation, if any, under the circumstances of any particular case, when it arises, should move the United States, in the interest of the world peace, and justice, to take action therein, and will provide accordingly."

¹⁾ "Advocate of Peace", for February, 1920, p. 65.

However, on January 30th, the Conference between Republican and Democratic Senators, broke up, no agreement having been reached. A new chance of ratification appeared to have been brought about by Viscount GREY'S letter to the Editor of the "Times", on January 31st. On February 8th, a letter from President WILSON to Senator HITCHCOCK, dated January 26th, was published. President WILSON approved, in this, the following reservation suggested by Mr. HITCHCOCK :

"That the U.S. would not employ an economic boycott or armed forces to preserve the territorial integrity of any other country, unless Congress passed an Act in each specific case."¹⁾

On February 9th, by 63 votes to 9, the Senate voted the suspension of the rules for the purpose of reconsidering the Peace Treaty. It was sent to the Foreign Relations Committee, and next day it was sent back to the Senate. The Treaty again came up in the Senate, on February 11th, Mr. LODGE suggesting a series of reservations, less drastic than those which he originally brought forward.

For instance the fourteenth reservation, upon the vote of the British Dominions, was redrafted as follows :

"Until Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing Dominions, Colonies, or parts of Empire in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the Council or Assembly in which any member of the League and its self-governing Dominions, Colonies, or parts of Empire in the aggregate have cast more than one vote. The United States assumes no obligation to be bound by any decision, report, or finding of the Council or Assembly arising out of any dispute between the United States and any member of the League, if such member or any selfgoverning Dominion, Colony, or part of Empire united with it politically has voted."

The second reservation, to Art. X, as introduced by Mr. LODGE on March 12th, reads as follows :

"The United States assumes no obligation to employ its military or naval forces, its resources, or any form of economic discrimination to

¹⁾ "Times", February 9th, 1920.

preserve the territorial integrity, or political independence, of any other country, or to interfere in controversies between nations, whether members of the League or not, under the provisions of Article X, or to employ the military or naval forces of the United States under any Article of the Peace Treaty for any purpose unless, in any particular case, Congress in the exercise of its full liberty of action, shall by a joint resolution so provide."

Further the preamble to the reservations was eliminated.

In the weeks that followed the reopening of the debates, all the Republican reservations, in their modified form, were re-adopted. On March 19th,¹⁾ a fifteenth reservation, moved by Senator GERRY, expressing sympathy with the aspirations of the Irish people and the hope that Ireland would be admitted as a Member of the League of Nations, was added.

On that same day the resolution for ratification of the Treaty with the 15 reservations was adopted by 49 votes to 35, the Treaty thus being defeated for a second time. A resolution was adopted directing that the Treaty should be returned to the President, with the notification that the Senate had refused to ratify it.

URUGUAY.

„Le Temps”, September 23rd, 1919, announced that the Government deposited with Congress, for ratification, the Peace Treaty with Germany.

According to the “Times”, October 18th, the Chamber ratified the Peace Treaty, and on October 24th, the President signed that ratification.

b) Neutrals.

ARGENTINA.

On July 5th, 1919, the Senate approved unanimously, adhesion to the League of Nations, and on July 16th, the Government's decision with regard to this, was published. The Legation of the Argentine Republic at Paris communicated this decision to the Secretary General of the League, on July 18th.

On January 18th, 1920, in reply to the invitation, sent to the

¹⁾ Although as a rule, documents of a date later than March 10th have not been inserted, an exception is made with regard to this decision of the American Senate.

Neutrals, after the coming into force of the Peace Treaty, the President formally notified M. CLEMENCEAU, President of the Peace Conference, of Argentina's adhesion to the League.¹⁾

CHILI.

On August 16th, 1919, without a dissentient vote, Chili, through the Foreign Relations Committee of the House of Representatives, approved adhesion to the League.²⁾ On November 4th, the Republic of Chili, signified her accession, in a letter to the Secretary-General of the League, making no other reservation than that of pronouncing in due course upon such amendments or modifications of the stipulations of the Covenant, as might be made by the States which had not yet ratified.³⁾

COLOMBIA.

On November 18th, 1919, the Colombian Parliament adopted a Bill authorizing the Government to give notice of Colombia's adhesion to the League.⁴⁾

DENMARK.⁵⁾

The following is the text of the proposal submitted to the Riksdag:⁶⁾

"Riksdagen meddeler sit Samtykke til Danmarks Tiltraeden af Folkenes Forbund i Overensstemmelse med Artikel 1, 1ste Stykke, i den i Fredstraktaten i Versailles af 28. Juni 1919 mellem de allierede og associerede Magter og Tyskland optagne Forbundspagt for Folkenes Forbund."

¹⁾ "Le Temps", January 18th, 1920.

²⁾ "Current History", for September 1919, p. 389.

³⁾ "Le Temps", November 10th, 1919.

⁴⁾ "La Paix par le Droit", for December, 1919, p. 533.

⁵⁾ On May 27th and 28th, 1919, the Scandinavian Ministers met at Stockholm, where the adhesion to the League of Nations was one of the questions discussed. The official Committees on the League of Nations, from the three countries again met, on August 4th, at Copenhagen; special attention was given to the organization of the Permanent Court of Justice, alluded to in art. XIV of the Covenant, and each of the three official Committees presented a report upon this subject. (See p. 284).

In December, further discussions, between representatives of the three Governments, took place at Copenhagen, in respect to the attitude of the three countries towards the question of the League of Nations. And again from February 1st—4th, 1920, a meeting of Ministers was held at Christiania, where the first point debated was the question of accession to the League.

⁶⁾ Forslag. Ordentl. Samling 1919—20.

[“The „Riksdag” notifies its approval of Denmark’s accession to the League of Nations, in accordance with Art. I, paragraph I, of the League of Nations’ Covenant, as incorporated in the Peace Treaty of Versailles, of June 28th, 1919, between the Allied and Associated Powers and Germany.”]

The proposal was adopted unanimously, by the Folketing, on February 27th, and by the Landsting, on March 4th, 1920.

THE NETHERLANDS.

In the speech from the Throne, on September 16th, 1919, the Queen said :

“When the creation of the League of Nations is assured, the question of the adherence of the Netherlands will be submitted to the approval of the States-General.”

Actually, immediately upon the Peace Treaty coming into force, on January 13th, 1920, the Government submitted to the Second Chamber a Bill on adhesion to the League, together with an explanatory Memorandum;¹⁾ written reports were exchanged between the Chamber, and the Government, and oral debates took place from February 13th—19th.²⁾ The Bill was adopted by 59 votes to 5; at the same time a resolution moved by Dr. DRESSELHUYSEN, and those supporting him was adopted, reading as follows :

This Chamber,

being of opinion that the League of Nations will have to evolve, as soon as possible, from its present imperfect form, in the direction of an international society based upon justice, and that consequently there ought to be placed in the foreground :

a. the obligation to submit all international disputes to peaceful settlement and, in connection with this, the institution of a Permanent Court of International Justice;

b. the reduction of armaments, pursuant to an international regulation;

c. admission to the League of Nations of all civilized States expressing the wish to be admitted;

and trusting that with the application of the stipulations of the Treaty especially that having reference to the passage of troops, as laid down in Art. XVI of the Covenant, the Netherlands’ right of being consulted

¹⁾ *Ontwerp van wet nopens voorbehoud der bevoegdheid tot toetreding tot het Volkenbondverdrag.*
Zitting 1919-1920. — 359.

²⁾ *Handelingen der Staten-Generaal.* — 1919-1920. — II. p. 1310.

shall be respected, for so far as this country shall be involved in the application hereof,

the Government is therefore invited, on participation in the League, to adopt this attitude.

The Bill was then referred to the First Chamber; after further exchange of written reports, oral debates took place on February 5th.¹⁾ This Chamber passed the Bill by 31 votes to 2, and a resolution identical to the one adopted by the Second Chamber was passed unanimously.

The text of the Bill as passed by both Chambers of Parliament is as follows:

Wij WILHELMINA enz.,

Allen, die deze zullen zien of hooren lezen, salut! doen te weten

Alzoo Wij in overweging genomen hebben, dat het wenschelijk is dat Nederland zal deel uitmaken van den Volkenbond, voorzien in het den 28sten Juni 1919 te Versailles gesloten Vredesverdrag tusschen de Geallieerde en Geassocieerde Mogendheden en het Duitsche Rijk, alsmede van de in deel XIII van genoemd Vredesverdrag ingestelde Permanente Arbeidsorganisatie, waarvan het lidmaatschap verbonden is aan dat van den Volkenbond;

Gelet op het tweede en derde lid van art. 59 der Grondwet;

Zoo is het, dat Wij, den Raad van State gehoord, en met gemeen overleg der Staten-Generaal, hebben goedgevonden en verstaan, gelijk Wij goedvinden en verstaan bij deze:

Artikel 1.

Wij behouden Ons de bevoegdheid voor toe te treden tot het Volkenbondverdrag, hetwelk, vergezeld van het daarmede verbonden dertiende deel van het Vredesverdrag, in afdruk bij deze wet is gevoegd.

Artikel 2.

Wij behouden Ons de bevoegdheid voor, de compromissen te sluiten, welke uit de verplichting, bedoeld in artikel 13, lid 1 en 2, van het Volkenbondverdrag, mochten voortvloeien.

Artikel 3.

Deze wet treedt in werking met ingang van den dag na dien harer afkondiging.

¹⁾ Handelingen der Staten-Generaal — 1919-1920. — I. p. 571.

Lasten en bevelen, dat deze in het Staatsblad zal worden geplaatst en dat alle Ministerieele Departementen, Autoriteiten, Colleges en Ambtenaren, wie zulks aangaat, aan de nauwkeurige uitvoering de hand zullen houden.

(signed) WILHELMINA.

(the signatures of all the Ministers follow here).

[We WILHELMINA, by the Grace of God, Queen of the Netherlands, Princess of Orange etc. etc. etc.

To all who may see, hear or read this, greeting, take notice that, having taken into consideration that it is desirable that Our Kingdom of the Netherlands should participate in the League of Nations, provided for in the Peace Treaty, concluded at Versailles on June 28th, 1919 between the Allied and Associated Governments and Germany, as well as in the Permanent Labour Organization instituted in Part XIII of the aforesaid Treaty of Peace, membership of which is attached to that of the League of Nations,

Having taken notice of paragraphs 2 and 3 of Art. 59 of the Constitution, and Having heard Our Council of State, and with joint consultation of the States-General, We have approved and sanctioned, just as We hereby approve and sanction :

Art. 1.

We reserve to ourself the competence to accede to the Covenant of the League of Nations, which accompanied of the thirteenth Part of the Treaty of Peace has been attached hereto in a printed copy.

Art. 2.

We reserve to ourself the competence to conclude the compromizes which might arise from the obligations laid down in Art. XIII, paragraphs 1 and 2, of the Covenant of the League of Nations.

Art. 3.

This Statute shall come into force, to commence from the day of the date subsequent to that of its proclamation.

We order and command that this shall be inserted in the State Journal and that all Ministerial Departments, Authorities, Bodies and Officials, whom it shall concern, shall take in hand the carrying out hereof.

(signed) WILHELMINA].

(the signatures of all the Ministers follow here).

NORWAY.

The official Committee on the League of Nations, in a report dated September 22nd, 1919, dealt with the adhesion of Norway to the League, the Committee pronouncing unanimously in favour of such adhesion.

In the speech from the Throne, on January 13th, 1920, the King announced that a Bill with reference to Norway's accession to the League, would be submitted to Parliament.

The King's proposal, of February 13th, 1920 reads as follows :¹⁾

Vi HAAKON, Norges Konge,

gjør vitterlig :

Stortinget innbys til å fatte følgende beslutning :

Stortinget samtykker i at Norge tiltreder den for Folkenes Forbund vedtatte Pakt som inneheldes i Versaillestraktaten av 28. juni 1919.

Gitt på Kristiania slott den 13. februar 1920.

Under Vår hånd og rikets segl

HAAKON.

GUNNAR KNUDSEN.

HESSELBERG.

[We, HAAKON, King of Norway,
give notice :

That the Storting is invited to adopt the following resolution :

The Storting approves of Norway's adhesion to the League of Nations' Covenant, as incorporated in the Treaty of Versailles, of June 28th, 1919. Given at the Castle of Christiania, February 13th, 1920.

Under Our hand and State-Seal

HAAKON.

HESSELBERG].

GUNNAR KNUDSEN.

The proposal was referred to the Storting's „Konstitutionskomite”, this Committee having been augmented by with four additional members. The Committee reported on the proposal, on February 25th.²⁾

Discussions took place in the Storting, on March 3rd and 4th. The resolution, moved by a minority of the Committee was rejected

¹⁾ Utenriksdepartementet St. prp. nr. 33, p. 47.

²⁾ Indst. S. XXXVIII.

by 103 votes to 17 (the latter being the votes of the socialists). This resolution reads as follows :

"The Storting cannot approve of Norway's adhesion to the League of Nations' Covenant, in its present form.

The Storting, however, declares that Norway is willing to co-operate in the creation of a League of Nations, based on the following principles :

1. That all states will be allowed to become Members of the League.

2. That war as a means of settling international disputes shall be abolished, all disputes, that cannot be settled by direct negotiation between the parties or in some other way, with the assistance of the League, shall be finally solved by a permanent international Court of arbitration.

3. That general conscription shall be abolished, and general disarmament accomplished."

The majority of the Committee moved the following resolution :

"That, in accordance with its traditions, it associates itself entirely with the great idea upon which the League of Nations is based, and that the Storting considers this League as being the most important endeavour that ever was made to further the reign of justice between nations and

further,

that the future of the League depends essentially on its development on the bases of the adhesion of all civilized peoples, of a general reduction of armaments and of an obligatory peaceful settlement of all disputes in order to prevent war,

the Storting, therefore, approves of Norway's adhesion to the League of Nations' Covenant, as incorporated in the Peace Treaty of Versailles, of June 28th, 1919."

This resolution was passed by 100 votes to 20.

PARAGUAY.

On October 29th, 1919, the Legation of Paraguay, in London, informed the Secretary General of the League that the Government of Paraguay, unreservedly accepted the Covenant of the League.

PERSIA.

On November 21st, 1919, Prince FIROUZ, Persian Minister for Foreign Affairs, who was then in London, formally notified the

Secretary General of the League, of Persia's adhesion to the League of Nations, Persia unreservedly binding herself to fulfil the duties and obligations imposed by the Covenant.¹⁾

A communication to the same effect was sent to M. CLEMENTEAU, as President of the Peace Conference, under date January 13th, 1920.²⁾

SALVADOR.

Salvador's adhesion to the League was, for some time, postponed on account of the uncertainty as to the interpretation of the Monroe-doctrine, as mentioned in Art. XXI, of the Covenant. The Government of Salvador sent a note to the U. S. Government inquiring what the latter Government meant by the Monroe doctrine.³⁾ Salvador, at first wanted to postpone her decision as to the adhesion to the League, until she had received an answer from President Wilson, but, this answer being delayed, Salvador notified her adhesion on one of the last days before March 10th.⁴⁾

SPAIN.

Even before the adoption of the Covenant, by the Peace Conference, —on April 3rd 1919—the Spanish Government formally communicated to the Peace Conference its desire to join the League of Nations, and announced its intention of obtaining the necessary authorization from the Cortes.

In its communication, the Government gave its adhesion to the Covenant, in all its essential contents, assuming that the fresh examination to which the Covenant would be submitted in the Conference, would lead to no change in its general lines, and also that consideration of the proposed amendments, would facilitate the introduction of changes in certain points of detail which had been deemed to present very special interests.⁵⁾

In the Plenary Session of April 28th, Spain was selected as one of the four members to sit on the Council of the League, together with the five Principal Allied and Associated Powers.

The speech from the Throne, on June 24th, mentioned Spain's

¹⁾ "Times", December 6th, 1919.

²⁾ "Le Temps", January 18th, 1920.

³⁾ "Le Temps", February 10th, 1920.

⁴⁾ "Le Temps", March 9th, 1920.

⁵⁾ "Times", April 4th, 1919.

entry to the League, and, on July 21st, a Bill with regard to this country's adhesion to the League, was presented to the Senate by the Minister for Foreign Affairs. This Bill was carried unanimously, on August 1st, in the Senate and passed the Chamber on August 7th. The King signed the Bill, on August 14th, which was published in the "Gaceta de Madrid" on August 16th.

In answer to the invitation, addressed to the Neutrals after the Peace Treaty came into force, the Prime Minister sent a note to M. CLEMENCEAU, the President of the Conference, containing i. a. the following :¹⁾

„J'ai honneur de répondre à Votre Excellence que l'Etat espagnol, toutes les formalités constitutionnelles ayant été remplies, a accédé sans aucune réserve au Pacte de la Société des Nations et le Gouvernement de S. M. catholique a adressé des instructions à l'ambassadeur d'Espagne, à Paris, afin qu'il porte à la connaissance de Son Excellence M. PICHON, en sa qualité de délégué du conseil des principales Puissances, et à l'honorable sir JAMES ERIC DRUMMOND, Secrétaire Général de la Société des Nations, la déclaration officielle de l'adhésion de l'Espagne à cette Société.”

The text of the Bill on adhesion to the League reads as follows:

Don ALFONSO XIII, por la gracia de Dios y la Constitución, Rey de España a todos los que la presente vieran y entendieren, sabed: que las Cortes han decretado y Nos sancionado lo siguiente:

Artículo único. Se autoriza al Gobierno de Su Majestad a dar su adhesión al Pacto de Sociedad de las Naciones, inserto en el Tratado de Versalles entre las Potencias aliadas y asociadas y Alemania, de veintiocho de Junio de mil novecientos diez y nueve, y a aceptar asimismo las estipulaciones de la parte décimotercera de dicho Tratado relativas a la organización del trabajo.

Por tanto:

Mandamos a todos los Tribunales, Justicias, Jefes, Gobernadores y demás Autoridades, así civiles como militares y eclesiásticas, de cualquier clase y dignidad, que guarden y hagan guardar, cumplir y ejecutar la presente ley en todas sus partes.

DADO en PALACIO a catorce de Agosto de mil novecientos diez y nueve.

YO EL REY.

El Ministro de Estado,
SALVADOR BERMUDEZ DE CASTRO, marqués de Lema.

¹⁾ "Le Temps", January 16th, 1920.

SWEDEN.

In the speech from the Throne, on August 4th, 1919, the King announced that the question of Sweden's adhesion to the League would shortly be submitted to Parliament. However, owing to the delay in ratification, the Government postponed the introduction of such a Bill, until after the Peace Treaty should have come into force, and in this speech, at the opening of Parliament, on January 12th, 1920, the King again announced that a proposition to that effect would be laid before the Riksdag.

The proposition was submitted to the Riksdag, on February 14th, 1920, and reads as follows: ¹⁾

Under åberopande av bilagda utdrag av statsrådsprotokollet över utrikes departmentsärenden för denna dag vill Kungl. Maj:t härmed föreslå riksdagen; att riksdagen må samtycka till att Kungl. Maj:t avgiver förklaring att Sverige ansluter sig till akten om nationernas förbund av den 28 juni 1919.

De till ärendet hörande handligar skola riksdagens vederbörande utskott tillhandahållas.

GUSTAV.

JOH. HELLNER.

[With reference to the annexed extract from the Council of State's protocol, concerning Foreign Affairs, of to-day, His Majesty hereby proposes to the Riksdag, that it shall approve of His Majesty declaring that Sweden accede to the League of Nations' Covenant of June 28th, 1919.

The documents relating to this matter will be handed to the Committee of the Riksdag involved.

GUSTAV.

JOH. HELLNER].

This proposal was the subject of a lively debate in the Riksdag, on February 18th. Ultimately it was decided to appoint a special committee, composed of 12 members from each Chamber, to deal with the matter.

¹⁾ Kungl. Maj:ts proposition till riksdagen angående Sveriges anslutning till nationernas förbund; given Stockholms slott den 14 februari 1920. Bihang till riksdagens protokoll 1920. 1 Saml. 75 häft (No. 90).

The Committee presented a report to the Riksdag, on March 1st¹⁾, that report deals with the King's proposal, and six resolutions, moved by members of the Riksdag with regard to that proposal.

On March 4th, the Second Chamber, by 152 votes to 67, passed the proposal of the Committee, thus authorizing the Government to adhere to the League. The next day the motion was carried by the First Chamber, by 86 votes to 47.

SWITZERLAND.

Even before the Covenant had been adopted at Paris, the Swiss Government issued a communiqué, on April 16th, 1919, concerning its adhesion to the League of Nations. Another communiqué followed, on May 14th. The National Council dealt with the League of Nations, on June 11th, M. CALONDER making a long answer to an interpellation by M. WINIGER and his associates, M. CALONDER again gave his views on the question of Switzerland's adhesion, in conferences with representatives of the press on July 2nd and 9th. Meanwhile the advisory Commission continued its labours, and on July 17th, the Commission expressed itself in favour of adhesion, by 19 votes to 2, four members being absent.

On August 4th, the Federal Council unanimously approved a Message to the Federal Assembly, proposing Switzerland's adhesion to the League.²⁾ The draft-Federal Decree, proposed in this Message,³⁾ runs as follows :

L'Assemblée Fédérale de la Confédération suisse,

Après avoir pris connaissance d'un Message du Conseil fédéral en date du 4 août 1919 ;

Constatant que la neutralité perpétuelle de la Suisse, reconnue notamment par l'Acte du 20 novembre 1815, est envisagée par l'article 435 du traité de paix conclu, le 28 juin 1919, entre les Puissances alliées et associées et l'Allemagne, comme un engagement international pour le maintien de la paix, et que la neutralité perpétuelle de la Suisse doit, conformément à l'article XXI du Pacte de la Société des nations, être considérée comme n'étant incompatible avec aucune des dispositions dudit Pacte,

¹⁾ Bihang till riksdagens protokoll 1920. 11 saml. 1 avd. 1 häft (No. 1).

²⁾ Message du Conseil Fédéral à l'Assemblée Fédérale concernant la question de l'accession de la Suisse à la Société des Nations (du 4 août 1919). Berne, Imprimerie K. J. Wyss Erben. 1919. (In French and in German).

³⁾ p. 116.

décrète :

I. Un chapitre quatrième (Société des nations) sera ajouté à la Constitution fédérale du 29 mai 1874. Il comprendra l'unique article suivant (art. 124) :

La Suisse accède au Pacte de la Société des Nations adopté, le 28 avril 1919, par la Conférence de la paix réunie à Paris.

Les dispositions de la Constitution fédérale concernant la ratification de traités internationaux sont applicables à la ratification des amendements apportés audit Pacte et à l'approbation des conventions de tout genre qui sont en rapport avec la Société des Nations.

Les décisions relatives à la dénonciation du Pacte ou à la sortie de la Société des Nations doivent être soumises au vote du peuple et des cantons.»

II. Le présent arrêté fédéral sera soumis au vote du peuple et des cantons.

III. Le Conseil fédéral est chargé de l'exécution du présent arrêté.

On August 18th, a meeting was held of the committees appointed by the National Council, and the States Council, to examine this Message. On September 10th, the Committee of the National Council concluded its sittings, and decided by its final vote to recommend to the National Council, that Switzerland should join the League. This decision was attained by 21 votes to 4. Upon this the Committee pronounced, by 18 votes to 7, in favour of this question being taken up immediately.

On September 19th, however, in the National Council, the majority of the Committee (by a vote of 14 to 10) moved a resolution to postpone the decision on adhesion to the League ; this resolution was carried by the National Council, by 98 votes to 58.

Before the National Council met again, the majority and the minority reports of the Committee of the National Council were published.¹⁾

The Federal Decree, as proposed by the majority of the Committee, reads as follows :

L'Assemblée fédérale de la Confédération suisse,

Après avoir pris connaissance d'un Message du Conseil fédéral en date du 4 août 1919;

Constatant que la neutralité perpétuelle de la Suisse, reconnue notamment par l'Acte du 20 novembre 1815, est envisagée par l'article 435 du

¹⁾ Société des nations. Rapports de la Commission du Conseil National. (Rapports de MM. SPAHN, de MEURON et BORELLA pour la majorité et de MM. BÜLER et MÜLLER pour la minorité).

traité de paix conclu, le 28 juin 1919, entre les Puissances alliées et associées et l'Allemagne, comme un engagement international pour le maintien de la paix, et que la neutralité perpétuelle de la Suisse doit, conformément à l'article XXI du Pacte de la Société des Nations, être considérée comme n'étant incompatible avec aucune des dispositions dudit Pacte ;

Espérant aussi que la Société des nations actuelle s'élargira dans un avenir non éloigné de manière à devenir universelle,

décrète :

I. La Suisse accède au Pacte de la Société des Nations adopté, le 28 avril 1919, par la Conférence de la paix réunie à Paris.

Les dispositions de la Constitution fédérale concernant la promulgation des lois fédérales sont applicables à la ratification des amendements apportés au Pacte et à l'approbation des conventions de tout genre qui sont en rapport avec la Société des Nations.

Les décisions relatives à la dénonciation du Pacte ou à la sortie de la Société des nations doivent être soumises au vote du peuple et des cantons.

L'article 121 de la Constitution fédérale concernant l'initiative populaire est aussi applicable aux décisions relatives à la dénonciation du Pacte ou à la sortie de la Société.

II. Le présent arrêté fédéral sera soumis au vote du peuple et des cantons.

III. Le Conseil fédéral est chargé de l'exécution du présent arrêté.

Discussions in the National Council were resumed, on November 11th, and on November 19th, the National Council decided in favour of Switzerland's joining the League, by 128 votes to 43. On November 21st, the same decision was come to by the States Council, by 33 votes to 6. As the States Council had rejected an amendment¹⁾ on the Federal Decree, as adopted by the National Council, the Decree was returned to the National Council. On the same day, the Decree again passed both sections of the Federal Parliament. In its final form the Decree runs as follows :

L'Assemblée fédérale de la Confédération suisse,

Après avoir pris connaissance d'un Message du Conseil fédéral en date du 4 août 1919 ;

Constatant que la neutralité perpétuelle de la Suisse, reconnue notamment par l'Acte du 20 novembre 1815, est envisagée par l'article 435 du

¹⁾ Stipulating that the appointment of Swiss representatives in the League should be entrusted to the Federal Assembly.

traité de paix conclu le 28 juin 1919, entre les Puissances alliées et associées et l'Allemagne, comme un engagement international pour le maintien de la paix, et que la neutralité perpétuelle de la Suisse doit, conformément à l'article XXI du Pacte de la Société des Nations, être considérée comme n'étant incompatible avec aucune des dispositions dudit Pacte; espérant que la Société des Nations actuelle s'élargira dans un avenir non éloigné de manière à devenir universelle,

décrète :

I. La Suisse accède au Pacte de la Société des Nations adopté, le 28 avril 1919, par la Conférence de la paix réunie à Paris.

Les dispositions de la Constitution fédérale concernant la promulgation des lois fédérales sont applicables à la ratification des amendements apportés audit Pacte et à l'approbation des conventions de tout genre qui sont en rapport avec la Société des Nations.

Les décisions relatives à la dénonciation du Pacte ou à la sortie de la Société des nations doivent être soumises au vote du peuple et des cantons.

L'article 121 de la Constitution fédérale concernant l'initiative populaire est aussi applicable aux décisions relatives à la dénonciation du Pacte ou à la sortie de la Société.

II. Le présent arrêté fédéral sera soumis au vote du peuple et des cantons aussitôt que les cinq grandes Puissances auront adhéré au Pacte.

III. Le Conseil fédéral est chargé de l'exécution du présent arrêté.

On December 11th, 1919, the Federal Council sent a report to the Federal Assembly, dealing with the future Swiss policy with regard to international arbitration treaties.¹⁾

For the further course of events we refer to the statement read by the Federal President, M. MOTTA, in the National Council, on February 3rd, 1920, which runs as follows :²⁾

„La question qui concerne l'accession de la Suisse à la Société des Nations est entrée, depuis le commencement de cette année, dans une phase nouvelle. Le Conseil fédéral, persuadé que la politique d'un pays démocratique doit être inspirée par une entière franchise, a tenu à informer l'opinion publique, par des communiqués officiels aussi précis et aussi complets que possible, de tous les faits qui se rapportent à cette phase nouvelle. Il sait que le peuple suisse suit ces faits avec une vigilance extrême et un intérêt passionné. La réunion du Parlement en session

¹⁾ „Rapport du Conseil fédéral à l'Assemblée fédérale concernant les traités internationaux d'arbitrage, of December 11th, 1919.

²⁾ „Message complémentaire du Conseil fédéral à l'Assemblée fédérale, concernant la question de l'accession de la Suisse à la Société des Nations”, of February 17th, 1920, p. 2.

extraordinaire offrirait aux représentants du peuple une occasion naturelle et légitime de demander au gouvernement fédéral des explications. Celui-ci estime qu'il est de son devoir de prévenir toute interpellation éventuelle et de fournir spontanément aux Chambres les informations et les éclaircissements qu'elles pourraient être amenées à lui demander. Aussi le Conseil fédéral a-t-il chargé son Président de vous exposer, dans une déclaration officielle, l'état exact de la question. Cette déclaration ne peut vous indiquer aucun fait nouveau ; elle vise uniquement à fixer la ligne de conduite que le Conseil fédéral a suivie jusqu'ici, et à définir ses intentions pour l'avenir.

L'Assemblée fédérale a autorisé, par son arrêté du 21 novembre 1919, le Conseil fédératif à déclarer en temps utile l'accession de la Suisse au Pacte qui instaure la Société des nations, tel qu'il a été adopté par la Conférence de la paix. Elle a en même temps ordonné que l'arrêté fut soumis au vote du peuple et des cantons, mais elle a précisé que ce vote ne pourrait intervenir que lorsque toutes les cinq Grandes Puissances auraient ratifié le Pacte de la Ligue.

L'article premier du Pacte déclare que seront membres originaires de la Société des Nations, entre autres, les Etats nommés dans l'annexe du Pacte qui auront accédé à celui-ci sans aucune réserve par une déclaration déposée au secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux autres membres de la Société.

Il était à prévoir qu'il serait difficile et même impossible à la Suisse d'organiser le scrutin populaire dans le délai des deux mois fixé par l'article premier du Pacte. La difficulté devenait une impossibilité matérielle et politique dans l'hypothèse où, le délai des deux mois ayant commencé à courir, la condition de l'accession de toutes les Grandes Puissances à la Ligue ne se serait pas encore réalisée. Cette hypothèse est devenue la réalité ; tandis que l'Empire Britannique, la France, l'Italie et le Japon ont adhéré définitivement au Pacte, les Etats-Unis ne se sont pas encore prononcés. Le Pacte est entré en vigueur le 10 janvier ; le fait de l'entrée en vigueur a été signifié le même jour à tous les Etats invités comme membres originaires ; le délai utile semblerait donc devoir expirer le 10 mars ; or, aux premiers jours de février, l'incertitude règne encore sur les intentions des Etats-Unis.

La commission du Conseil national avait eu, en quelque sorte, l'intuition de ces complications possibles ou probables et avait suggéré au Conseil fédéral de s'assurer, au moyen d'une demande présentée aux instances compétentes, si, la déclaration d'accession à la Société des Nations étant faite dans le délai des deux mois, la Suisse conserverait le

caractère et les avantages de membre originaire même dans l'éventualité où les circonstances l'obligerait à ordonner le scrutin populaire en dehors du délai.

Le Conseil fédéral fit droit à cette suggestion et envoya aux Puissances devant faire partie de la Société des Nations un aide-mémoire en date du 6 décembre 1919. Cet aide-mémoire indiquait la question et proposait d'avance de la résoudre dans un sens conforme aux intérêts de la Suisse ; il était accompagné, pour plus de clarté, du texte de l'arrêté fédéral du 21 novembre, comme annexe. L'aide-mémoire se rapportait exclusivement à la question du délai ; il ne soulevait ni directement ni indirectement les questions qui se rattachent à la neutralité perpétuelle de l'Etat ; ces questions nous paraissaient résolues par la genèse, le sens et le texte littéral de l'article 435 du traité de Versailles.

Le Gouvernement de la République française eut l'obligeance de saisir de la question formant l'objet de l'aide-mémoire le Conseil suprême des Puissances alliées et associées. Celui-ci nous fit parvenir sa réponse par une note datée du 2 janvier. Le texte de la note comme le texte de l'aide-mémoire, sont connus ; ils ont été publiés par nous-mêmes ; il suffit donc de résumer la substance de l'acte émanant du Conseil suprême. Cet acte touche à deux questions distinctes : à celle du délai que le Conseil fédéral avait posée et à celle de la neutralité que le Conseil fédéral considérait comme résolue et qu'il n'avait par conséquent point posée. L'acte s'explique en outre sur la date et sur l'entrée en vigueur du Pacte.

En ce qui touche au délai, le Conseil suprême fait observer que la déclaration d'accession doit être présentée sans réserve dans les deux mois qui suivront l'entrée en vigueur du Pacte et remarque qu'une déclaration subordonnée au résultat du référendum ne saurait être considérée comme une accession sans réserve.

En ce qui concerne la neutralité perpétuelle, le Conseil suprême n'émet aucun avis et se borne à résérer l'examen de la question.

Placé dans cette situation, le Conseil fédéral ne pouvait s'enfermer dans le silence. Son devoir impérieux était de parler et de s'expliquer. Il l'a fait par un mémorandum daté du 13 janvier, et par l'envoi d'une mission extraordinaire à Paris. La teneur du mémorandum a été livrée à la publicité ; la mission a été confiée à M. GUSTAVE ADOR, ancien président de la Confédération, et à M. le professeur MAX HUBER, jurisconsulte du Département politique.

Le mémorandum traite brièvement tous les points qui sont soulevés directement ou indirectement dans la note du Conseil suprême.

Le point qui se rapporte à la date du Pacte ne pouvait fournir matière à discussion ; l'Assemblée fédérale et le Conseil fédéral avaient choisi

la date du 28 avril 1919 ; le Conseil suprême précise que la date du Pacte est celle du Traité de Paix, c'est-à-dire le 28 juin 1919 ; ce point reste liquidé.

Le point qui concerne le moment de l'entrée en vigueur du Pacte ne pouvait non plus donner lieu à une véritable divergence ; il est incontestable que, d'après la disposition finale du Traité de Paix, le Pacte, qui forme la première partie de ce traité, entre en vigueur avec le traité lui-même, c'est-à-dire, dès que trois des Grandes Puissances l'ont ratifié ; mais il est non moins incontestable que le Pacte crée, comme un des organes principaux de la Ligue, un Conseil où sont représentées les cinq Grandes Puissances et quatre autres Puissances, et que, par conséquent, aussi longtemps que le Conseil ne comprendra pas toutes les Puissances qui y sont appelées, il manquera au Pacte, au point de vue de l'organisation définitive de la Société des Nations, une disposition organique essentielle. Il ne saurait échapper à personne que l'absence des Etats-Unis constitue un fait important, tant sous l'aspect juridique que sous l'aspect politique.

Restent les deux autres points ; tandis que, dans la question du délai, il s'agit de vues qui, en apparence, se contredisent et qu'il faut chercher à harmoniser, dans l'intérêt commun, dans la question de la neutralité il ne s'agit pas d'opinions contradictoires mais de points à fixer, à préciser, à mettre en relief. La Suisse est le seul Etat du monde qui, pour obéir à l'esprit et aux exigences de ses institutions démocratiques, doit procéder à une consultation populaire. Cette constatation nous semble avoir une valeur décisive. Le vote populaire diffère profondément du vote parlementaire. Il exige des problèmes posés clairement, nettement, sans possibilités d'équivoques ou de malentendus. Il doit éviter même les demi-obscurités, il a besoin de la pleine lumière. C'est en cela que résident toute sa beauté et toute sa valeur morale. Aussi un vote populaire commande-t-il une propagande prolongée et intense, avec des délais qui ne soient pas trop courts et des discussions à conduire dans les assemblées publiques et dans la presse. Ce sont les raisons que le Conseil fédéral a sommairement indiquées et qui inspireront, nous l'espérons, aux instances compétentes, une solution en harmonie avec les intérêts en jeu. Ultra posse nemo tenetur.

La question de notre neutralité perpétuelle a été posée par le Conseil fédéral, en toute franchise, dès la première éclosion des projets qui aboutirent à créer la Société des Nations. Le point de vue suisse a été expliqué d'abord dans un mémorandum du 4 février 1919. Ce mémorandum, adressé à la Conférence de la Paix, exposait la nécessité et les raisons de notre neutralité séculaire et indiquait le rôle qui devait lui être réservé à l'avenir. Le problème a été repris plus en détail dans le message du 4 août. Les délégués du Conseil fédéral, qui se trouvaient à Paris au mois

d'avril 1919, ont démontré à plusieurs personnalités de la Conférence de la Paix la possibilité de concilier notre neutralité perpétuelle avec nos devoirs de solidarité internationale. L'article 435 du Traité de Paix, négocié avec la France, sur ces entrefaites, a tranché la question. Cet article reconnaît notre neutralité perpétuelle et la place dans la catégorie des engagements internationaux pour le maintien de la paix que l'art. XXI du Pacte de la Ligue considère expressément comme n'étant incompatibles avec aucune disposition du Pacte. Il s'agit bien entendu de notre neutralité militaire. Les effets essentiels de cette neutralité sont les suivants : 1. La Suisse ne participe militairement à aucune guerre, à celles non plus qui sont visées à l'article XVI du Pacte ; 2. la Suisse est inviolable ; elle est prête à tous les sacrifices pour défendre l'inviolabilité de son territoire ; 3. la Suisse ne saurait admettre ni un passage ni une préparation quelconque d'entreprises militaires, sur son sol. S'il devait rester de l'incertitude ou des doutes sur la portée et la signification de notre neutralité militaire, notre peuple en serait, à juste titre, inquiet, et se refuserait, dans son immense majorité, sans aucune distinction de régions ou de langues, à échanger la neutralité traditionnelle contre une neutralité nouvelle, inconsistante, incertaine ou mal définie.

Les délégués du Conseil fédéral exposèrent à Paris, le 21 janvier, devant le Conseil suprême, les demandes du Conseil fédéral, conformément aux instructions écrites qu'ils en avaient reçues. Le Conseil suprême était à la veille de se dissoudre. Il écouta nos délégués avec la plus grande attention et avec la plus grande bienveillance. Il appartint à la Conférence des ambassadeurs, présidée par M. ALEXANDRE MILLERAND, le nouveau chef du ministère français, de répondre, au nom du Conseil suprême, par une note datée du 26 janvier. Cette note a été également publiée. Elle ne constitue pas, loin de là, une déception pour le Conseil fédéral ; elle proclame d'une manière très catégorique que les représentants des Puissances, parmi lesquels figurent personnellement les chefs des gouvernements britannique, français et italien, sont unanimes à considérer que les Puissances signataires du Traité de Paix sont et demeurent liées par l'article 435 de ce traité. La note ajoute, cependant, que les observations formulées par le Conseil fédéral dans son mémorandum et par l'organe de ses délégués ne pourront trouver leur réponse définitive que par le conseil de la Société des nations.

Cette réponse n'était point imprévue. Le Conseil fédéral savait que la question de compétence était douteuse. Elle est maintenant tranchée en faveur du Conseil de la Société des nations. Celui-ci est convoqué à Londres pour une réunion qui durera probablement du 11 au 13 février. Nous avons demandé, par l'intermédiaire du Secrétariat général de la

Ligue, que le Conseil voulut bien inscrire à l'ordre du jour de sa réunion les questions qui intéressent la Suisse. Nous avons en même temps insisté, dans une courte note adressée aux Puissances représentées dans le Conseil, sur la nécessité de reconnaître à la Suisse un statut juridique spécial justifié par sa situation unique et exceptionnelle.

MM. ADOR et HUBER se rendront à Londres pour y défendre nos intérêts en de nouvelles négociations. Ils y seront accompagnés par les vœux ardents de tous les patriotes. La mission qui leur est confiée est d'une importance extrême; elle engage les destinées futures, la situation internationale et le rôle de la Suisse dans le monde. Nous avons confiance dans l'amitié que nous ont si souvent témoignée toutes les Puissances représentées dans le Conseil de la Société des nations; nous comptons sur le bien-fondé de notre cause; nous nous permettons aussi de penser qu'il n'est indifférent à personne, mais surtout pas à ceux qui, comme nous, attachent tant de prix à la constitution d'un nouvel ordre international, que la vieille démocratie suisse, dont l'âme tout entière est tournée vers le droit, la justice et la paix entre les hommes, se voie ouverte ou fermée la porte qui donne accès à la Société des nations.

L'Assemblée fédérale nous semblerait bien inspirée si elle s'absténait de toute discussion aussi longtemps que nous ne serons pas fixés sur les résultats de la négociation qui va s'ouvrir dans la métropole britannique. Dès que cette négociation sera achevée, nous en rendrons compte soit à l'Assemblée fédérale, si elle est encore réunie, soit à l'opinion publique. Si, à ce moment-là, les Etats-Unis n'ont pas encore fait acte d'accession à la Ligue des Nations, nous ne déclarerons pas l'accession de la Suisse sans avoir fourni l'occasion à l'Assemblée fédérale de se prononcer, le cas échéant, en une session extraordinaire. Nous nous considérons liés, à cet égard, soit par les déclarations que le Conseil fédéral a déjà faites ici et dans les commissions parlementaires au mois de novembre, soit par les données générales de la situation politique. Les propositions que nous aurons à vous soumettre ne pourront pas ne pas être influencées par les résultats des négociations de Londres. Il est de notre devoir, comme de notre intention, de continuer à traiter cette question, à l'avenir, comme par le passé, très ouvertement, en plein jour. C'est par l'application loyale de cette méthode que nous espérons garder votre confiance et celle du peuple."

The Council of the League of Nations pronounced its decision at the meeting in London, on February 13th, 1920, in the following words :

"The Council of the League of Nations, while affirming that the con-

ception of neutrality of the Members of the League is incompatible with the principle that all Members will be obliged to co-operate in enforcing respect for their engagements, recognizes that Switzerland is in a unique situation, based on a tradition of several centuries which has been explicitly incorporated in the Law of Nations, and that the Members of the League of Nations, signatories of the Treaty of Versailles, have rightly recognized by Article 435 that the guarantees stipulated in favour of Switzerland by the Treaties of 1815, and especially by the Act of November 20th, 1815, constitute international obligations for the maintenance of peace.

The Members of the League of Nations are entitled to expect that the Swiss people will not stand aside when the high principles of the League have to be defended. It is in this sense that the Council of the League has taken note of the declaration made by the Swiss Government in its Message to the Federal Assembly of August 4th, 1919, and in its Memorandum of January 13th, 1920, which declarations have been confirmed by the Swiss delegates at the meeting of the Council, and in accordance with which Switzerland recognizes and proclaims the duties of solidarity which membership of the League of Nations imposes upon her, including therein the duty of co-operating in such commercial and financial measures as may be demanded by the League of Nations against a covenant-breaking State, and is prepared to make every sacrifice to defend her own territory under every circumstance, even during operations undertaken by the League of Nations, but will not be obliged to take part in any military action or to allow the passage of foreign troops or the preparation of military operations within her territory.

In accepting these declarations the Council recognizes that the perpetual neutrality of Switzerland and the guarantee of the inviolability of her territory as incorporated in the Law of Nations, particularly in the Treaties and in the Act of 1815, are justified by the interests of general peace, and as such are compatible with the Covenant.

In view of the special character of the constitution of the Swiss Confederation, the Council of the League of Nations is of opinion that the notification of the Swiss declaration of accession to the League, based on the declaration of the Federal Assembly, and to be carried out within two months from January 10th, 1920 (the date of the coming into force of the Covenant of the League of Nations), can be accepted by the other Members of the League as the declaration required by Article 1 for admission as an original member, provided that confirmation of this declaration by the Swiss people and Cantons be effected in the shortest possible time."

The Council's decision was communicated, by M. MOTTA, to the National Council, on February 14th.

On February 25th, the National Council's League of Nations' Committee, adopted by 16 votes to 7, the proposal of the Federal Council,¹⁾ that the National Council should be asked to eliminate the clause in the Federal decree of November 21st, 1919, making the entry of Switzerland into the League conditional upon the adhesion of the five Principal Allied and Associated Powers.

The National Council, on March 3rd, voted in favour of withdrawing this "American clause", by 115 votes to 55, and on March 5th, the State Council took the same decision, by 30 votes to 6.

On March 8th, the declaration of Switzerland's adhesion was deposited with the League of Nations' Secretariat, it being announced at the same time, that the referendum would take place on May 16th.

c) *Central powers.*

Although ratification of the Peace Treaties by the Central Powers does not include their becoming members of the League of Nations, we insert here two official documents, relative to the ratification of the Treaties, by Germany and Austria, respectively :

a) GERMANY.

*Gesetz über den Friedensschluss.*²⁾

Die verfassunggebende deutsche Nationalversammlung hat das folgende Gesetz beschlossen³⁾, das nach Zustimmung des Staatausschusses hiermit verkündet wird :

Artikel I.

Dem am 28. Juni 1919 unterzeichneten Friedensverträge zwischen Deutschland und den alliierten und assoziierten Mächten und dem dazugehörenden Protokolle sowie der am gleichen Tage unterzeichneten Vereinbarung über die militärische Besetzung der Rheinlande wird zugestimmt.

¹⁾ Message complémentaire du Conseil fédéral à l'Assemblée fédérale concernant la question de l'accession de la Suisse à la Société des Nations", of February 17th, 1920, p. 18.

²⁾ Reichsgesetzblatt Jahrgang 1919, No. 6958, vom 16. Juli 1919. The Instrument of ratification had been deposited at Paris on July 11th, 1919.

³⁾ On July 9th, by 208 votes to 115.

Der Friedensvertrag, das Protokoll and die Vereinbarung werden nachstehend veröffentlicht.

Artikel II.

Dieses Gesetz tritt mit dem Tage der Verkündung in Kraft.
Berlin, den 16. Juli 1919.

Der Reichspräsident
EBERT.

Der Präsident des Reichsministeriums
BAUER.

b) AUSTRIA.

Ratifikationsklausel.¹⁾

Nachdem der am 10. September 1919 in Saint-Germain-en-Laye unterzeichnete Staatsvertrag zwischen der Republik Oesterreich und den alliierten und assoziierten Mächten sowie die dazugehörigen am gleichen Tage unterzeichneten Erklärungen und ein Protokoll, welche also lauten:

mittels Beschlusses vom 17. Oktober 1919²⁾ die verfassungsmässige Genehmigung der Nationalversammlung der Republik Oesterreich erhalten haben, erklärt der Präsident dieser Nationalversammlung, als oberster, durch die Verfassung der Republik zu deren Vertretung nach aussen berufener Volksbeauftragter, den vorstehenden Vertrag, die beiden Erklärungen und das Protokoll ihrem ganzen Inhalte nach als ratifiziert und verspricht im Namen der Republik Oesterreich, sie gewissenhaft zu erfüllen.

Zu Urkund dessen ist die vorliegende Ratifikation vom Präsidenten der Nationalversammlung unterfertigt, vom Staatskanzler, zugleich in seiner Eigenschaft als Staatssekretär für Aeusseres, gegengezeichnet und mit dem Staatssiegel der Republik Oesterreich versehen worden.

Geschehen zu Wien, den 25. Oktober 1919.

Im Namen der Republik Oesterreich.

Der Präsident der Nationalversammlung:

SEITZ m. p.

Der Staatskanzler, zugleich Staatssekretär für Aeusseres:

RENNER m. p.

¹⁾ The Instrument of ratification was deposited at Paris on November 5th, 1919.

²⁾ By 70 votes against 19.

CHAPTER V.

THE LEAGUE IN BEING.

The final clauses of the Peace Treaty with Germany, after Art. 440, read as follows :

“The present Treaty, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given ; in that case they must transmit the instrument of ratification as soon as possible.

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Germany on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first procès-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.”

The League of Nations being part of the Peace Treaty, the League did not actually come into existence before the coming into force of the Treaty on January 10th, 1920.

This fact forms a singular contrast to the attitude in which the adoption of the Covenant on April 28th, 1919, was welcomed. At that time terms such as “creation of the League” and “the League in being” were widely used. However, during the following months, the provisional character of the League’s Secretariat was more and

more emphasized, and the League was referred to as not yet having been born.

This Chapter gives a survey of documents relating to the League in this provisional stage, i. e. in the period between the adoption of the Covenant on April 28th, 1919, and the coming into force of the Peace Treaty on January 10th, 1920, as well as relating to the League in the first two months of its actual existence.

FIRST MEETING OF THE ASSEMBLY.

The Committee on the organization of the League of Nations which was instituted in the Plenary Session of April 28th, 1919, was entrusted, i. a. with the task of making arrangements and preparing the agenda for the first meeting of the Assembly.

Up till now no decision has been published with regard to this first meeting, which according to Art. V of the Covenant, shall be summoned by the President of the United States of America. In the British Parliament several questions were asked with regard to this procedure: on November 17th, 1919 Mr. BONAR LAW, in reply to a question by Mr. KENWORTHY, said that no date had been fixed for a meeting of the Assembly, nor was one likely in the near future.¹⁾ On November 27th, Mr. LLOYD GEORGE, in reply to Mr. HOGGE, stated that the failure of the U. S. to ratify would not affect the stipulation that the President of the U. S. shall summon the first meeting of the Assembly.²⁾

The only official document dealing with this first meeting is a letter of September 4th, 1919, addressed by M. CLEMENCEAU to Colonel HOUSE, which reads as follows, a similar letter being sent to Mr. LLOYD GEORGE:³⁾

„J'espère que j'aurai bientôt le plaisir de vous voir à Paris, avant votre départ pour l'Amérique. Mais comme notre ami TARDIEU me dit que cela n'est pas certain, il me paraît utile de vous communiquer dès à présent les réflexions que me suggère l'éventualité des décisions à prendre en ce qui concerne la Société des nations.

Il me semble tout d'abord qu'il y aurait urgence à réunir le plus tôt possible

¹⁾ "Times", November 18th, 1919.

²⁾ "The League", for December, 1919.

³⁾ "Le Temps", October 5th, 1919. Although it is not clearly stated, several passages in this letter seem to indicate that it is a meeting of the *Assembly* and not of the *Council* which the author has in mind.

à Washington ¹⁾ la première assemblée de la Société sous la présidence de votre président. En raison des espoirs que cette Société a fait naître et pour faciliter la solution des problèmes internationaux avec lesquels toutes les nations sont actuellement aux prises, je suggérerais que cette réunion eût lieu dans le courant de novembre. J'émettrais en même temps l'idée d'y inviter le plus grand nombre possible des hommes d'Etat dont les noms sont associés à la création de la Société des nations.

Sans doute en novembre il n'y aura qu'un petit nombre d'affaires courantes à expédier, mais l'ordre du jour aura du moins cet avantage capital de mettre en action la Société qui n'existe encore que sur le papier.

Soit dans l'exécution du traité de paix, soit pour le règlement des problèmes que ne résout pas le traité et qui, pourtant résultent de la guerre, cela me paraît de première importance. Il apparaîtra, dès lors, à tout le monde que la Société existe dans le plein de sa force morale.

Il est vrai que la mise en œuvre du traité est confiée à un certain nombre de commissions ou d'experts qui seront nécessairement conduits à consulter leurs gouvernements. Mais il est maint article du traité qui met en cause le Conseil de la Société des nations lui-même, et à cet égard tous les peuples doivent avoir l'impression que ce Conseil est prêt à fonctionner aussitôt qu'il lui sera fait appel.

D'autre part, je suis certain que vous pensez comme moi qu'en ces matières ni l'action des gouvernements, ni celle même de la Société des nations ne pourront être efficaces, si n'intervient pas d'abord une préparation morale des peuples, qui doit fournir à la fois la condition et la sanction des résultats nécessaires.

En outre, au cours des mille difficultés qui s'annoncent ou se sont déjà révélées à tous les gouvernements, il faut, à mon avis, que la Société des nations, douée de la personnalité qui lui a été reconnue, puisse recommander et faire accepter toutes solutions de "fair play" dans l'ordre de la vie courante. En cas de crise, il ne serait pas indifférent qu'elle fasse entendre une voix ferme.

Enfin, ne pensez-vous pas qu'il y aurait de grands avantages à ce que les membres de droit de la Société des nations fussent mis en état d'échanger leurs idées sur les directives générales de l'action à poursuivre ? Nul homme n'est plus qualifié que le président WILSON pour rappeler aux peuples à l'ouverture de la première assemblée, que la Société des nations n'aura de prestige et d'influence dans la paix que si elle réussit à entretenir et à développer le sentiment de solidarité internationale dont elle est née pendant la guerre, sur l'appel du président. Pour ma part, je serais heureux de le seconder dans cette tâche."

¹⁾ According to Art. III of the Covenant, the Assembly shall meet at the Seat of the League or at such other place as may be decided upon.

On October 4th, 1919, the French Chamber of Deputies adopted a resolution to the same effect, moved by M.M. RENAUDEL and THOMAS :

„La Chambre invite, en outre, le gouvernement de la France à provoquer un accord avec M. le président WILSON, et dès que les Etats-Unis auront ratifié le traité, la réunion immédiate de la Société des Nations.”

As far as we know, only one country has published the names of its representatives in the Assembly, viz. Peru. The “Journal des Debats” of August 5th, 1918, mentions as the names of the Peruvian representatives, M. ISAAC ALZEMONE, and M. FRANCOSICO GARCIA CALDERON, the Ministers of Peru in London and Brussels, respectively.

MEETINGS OF THE COUNCIL.

Before the first meeting of the Council of the League some other bodies had been doing work, that in future, will have to be done by the Council. The Supreme Council may be considered as the *de facto* precursor of the Council, there were also two other bodies in existence, viz. the Commission on the League of Nations, instituted in the Plenary Session of January 25th, 1919, and the Organization-Committee formed by a resolution passed at the Plenary Session of April 28th, 1919.

After the Covenant had been adopted on April 28th, the work of the first Commission seemed to be finished. M. CLEMENCEAU'S note to the German Government, of May 10th, 1919, however, announced that the German draft for a League of Nations would be submitted to this Commission, and in the note of May 22th, M. CLEMENCEAU communicated to the German Government the observations made by this Commission. After the reception of the German counter-proposals of May 29th, the Commission is said to have drafted a report; this, however, has not been published. The “League of Nations” Journal, for July, 1919, mentions that on June 6th, the Commission passed four resolutions comprising the following points:¹⁾

1. The speedy admission of Germany to the League of Nations.
2. The suppression thereby of the economic restrictions imposed on Germany by the Treaty.
3. Immediate reduction of armaments for victors, as well as for vanquished.

¹⁾ The report of this Commission is commented upon by M. SAGLIO in “L'Œuvre”, June 10th, 1919

4. Germans in territories to be detached from the German Empire to be protected by the League of Nations.

As to the Organization Committee, instituted in the Plenary Session of April 28th, 1919, only two communiqué's were issued on the activities of this Committee. The first, reading as follows, was published on May 6th, 1919 :

„Le Comité d'Organisation de la Société des Nations, créée par le Pacte voté dans la Conférence plénière du 28 avril, a tenu sa première réunion à l'hôtel Crillon, hier après midi. Il a adopté un certain nombre de résolutions pour l'organisation provisoire de la Ligue.

Etaient présents : M. PICHON (France), colonel HOUSE (Etats-Unis), Lord ROBERT CECIL (Grande-Bretagne), marquis IMPERIALI (Italie), vicomte CHINDA (Japon), M. ROLLIN JACQUEMYN (Belgique) M. VENISELOS (Grèce), M. MAGALHAES (Brésil), M. QUIÑONES DE LEON (Espagne).

Sur la proposition du colonel HOUSE, M. PICHON, ministre des affaires étrangères de France, a été élu président et sir ERIC DRUMMOND a été invité à prendre des fonctions de secrétaire général.

Le Secrétaire général a été autorisé à commencer immédiatement le travail d'organisation de la Société des Nations.¹⁾ Ce travail préparatoire sera fait, pour la plus grande part, à Londres, dans le courant de l'été.”

The second deals with the second meeting of the Committee, on June 10th, 1919, and reads as follows :

„Le Secrétaire général, Sir ERIC DRUMMOND, a présenté un mémoire concernant le fonctionnement des services administratifs. Une discussion générale a eu lieu, à la suite de laquelle la résolution suivante a été adoptée :

„Il sera essentiel pour la Ligue d'être prévenue et renseignée le plus rapidement possible de tous les sujets importants, politiques, économiques, financiers, sociaux et autres, dans toutes les parties du monde. Tout Etat, membre de la Ligue, devra en conséquence faire connaître au Secrétariat international toute information appropriée.”

La Commission a été d'accord pour décider que les Gouvernements des Etats membres de la Ligue devront tenir compte des services de leurs fonctionnaires nationaux dans le Secrétariat international.

La Commission a pensé aussi qu'il sera utile d'inviter un certain nom-

¹⁾ On November 12th, 1919, Mr. HARMSWORTH, replying to Mr. LUNN, in the British House of Commons, referred to a resolution passed by this Committee authorizing the Secretary General to incur certain preliminary expenditure in connection with the provisional organization of the Secretariat.

bre d'éminents juristes à donner leur avis sur la constitution de la Cour permanente de justice internationale, qui doit être créée suivant l'article XIV du Pacte.

Cette question sera reprise en détail à une séance ultérieure de la Commission."

For some months nothing was published with regard to the first meeting of the Council. In the "Westminster Gazette" of September 10th, Reuter's Agency communicated, that the first meeting of the Council would be held immediately after the coming into force of the Peace Treaty, in London. The newspapers of October 7th contained an interview, granted by Colonel HOUSE, to a representative of the "Chicago Tribune", stating that President WILSON would summon the Council of the League, in Washington, immediately after the coming into force of the Treaty. This statement was confirmed by Mr. HARMSWORTH, who, replying to questions in the House of Commons on October 22nd, gave it as his opinion, that the first meeting of the Council would take place in Washington. Lord ROBERT CECIL again raised the question in the House of Commons on October 29th.

About the same time the Supreme Council began to deliberate on this matter. The Supreme Council telegraphed to President WILSON, inquiring his views concerning the convening of the Council, before the ratification of the Treaty by the United States' Senate. Mr. WILSON replied agreeing in principle; the Supreme Council then communicated to the American delegation the draft of the convocation of the Council of the League. The draft was substantially that the first sitting of the Council would be held at the time, place and hour of the signing of the first procès-verbal of ratification.¹⁾ Another draft letter was submitted to President WILSON, inviting the Powers represented on the Council, who had not yet appointed their representatives to do so forthwith.

¹⁾ A meeting of the Council should take place, as soon as possible, after the coming into force of the Peace Treaty, on account of certain obligations incumbent upon the Council within a short period after the coming into force of the Treaty. Probably the Allied and Associated Powers did not bear this in mind, in drafting Art. 304 of the Peace Treaty. For this article, dealing with the establishment of Mixed Arbitral Tribunals, and stating that in case of failure to attain agreement with regard to the appointment of the President, the latter shall be chosen by the Council of the League, goes so far as to provide that in the event of this Council not having been instituted, the President shall be appointed by M. ADOR.

At its meeting of November 5th, the Supreme Council decided that Paris should be the scene of the first meeting of the Council, and on November 11th, the Supreme Council considered the possibilities which might arise from the attitude of the United States towards the Treaty, and came to an understanding as to the ways and means of convening for this first meeting, taking into account the situation created by the opposition in the United States.

On January 9th, 1920, the day before the coming into force of the Peace Treaty, the Supreme Council again dealt with the question of the first meeting of the Council of the League.¹⁾ The fixing, however, of the date, was postponed.

On January 12th, it was announced from Washington that President WILSON had decided to issue formal invitations for the first meeting, and on January 16th the following announcement was published by the Secretariat of the League :²⁾

"The Department of State has sent out invitations from the President for the first meeting of the Council of the League of Nations to the following countries : Great Britain, France, Italy, Japan, Belgium, Brazil, Greece and Spain. The invitations have been telegraphed through the American Embassies for delivery to the respective Foreign Offices in the following form, differing in each case by the change of the name of the Government addressed :

In compliance with Article V of the Covenant of the League of Nations, which went into effect at the same time as the Treaty of Versailles of June 28th, 1919, of which it is a part, the President of the United States, acting on behalf of those nations which have deposited their Instruments of ratification in Paris, as certified in a *procès-verbal* drawn up by the French Government, dated January 10th, 1920, has the honour to inform the Government of that the first meeting of the Council of the League of Nations will be held in Paris, at the Ministry of Foreign Affairs, on Friday, January 16th, at 10.30 a. m.

The President earnestly ventures the hope that the Government of will be in a position to send a representative to this first meeting. He feels that it is unnecessary for him to point out the deep significance attached to this meeting, or the importance which it must assume in the eyes of the world. It will mark the beginning of a new era in international cooperation and the first step toward the ideal concert of Nations. It will bring the League of Nations into being as a living

¹⁾ "Le Temps", January 10th, 1920.

²⁾ "Times", January 16th, 1920.

force, devoted to the task of assisting the peoples of all countries in their desire for peace, prosperity, and happiness.

The President is convinced that its progress will accord with the noble purpose to which it is dedicated."

At the meeting on January 16th, the nine countries having representatives on the Council, were represented as follows :

U. S. A.
Great Britain	Lord CURZON
France	M. LÉON BOURGEOIS ¹⁾
Italy	M. FERRARIS
Japan	M. MATSUI
Belgium	M. HYMANS
Brazil	M. GASTÃO DA CUNHA ²⁾
Greece	M. VENISELOS
Spain ³⁾	M. QUIÑONES DE LEON.

The meeting, which was attended by a distinguished company of diplomatists, was opened by M. LÉON BOURGOIS. Sir ERIC DRUMMOND was officially installed as Secretary General of the League. M. VENISELOS moved, and Lord CURZON supported the nomination of M. BOURGEOIS, as President. M. BOURGEOIS accepted, saying i. a. :⁴⁾

"The task of presiding at this meeting and of inaugurating this great international institution should have fallen to President WILSON.

We respect the reasons which still delay the final decision of our friends in Washington, but we may all express the hope that the difficulties will soon be overcome, and that a representative of the great American Republic will occupy the place which awaits him among us. The work of the Council will then assume that definite character and that particular force which should be associated with our work.

January 16th, 1920, will go down to history as the date of the birth of the new world. The decision to be taken to-day will be in the name of all the States which adhere to the Covenant. It will be the first decree of all the free nations leaguing themselves together for the first time in the world to substitute right for might."

¹⁾ M. BOURGEOIS was elected President of the French Senate on January 14th, 1920.

²⁾ As a substitute for M. RUY BARBOSA. However, "Le Temps" of February 27th, 1920, states that M. BARBOSA withdrew and that M. NILO PEÇANHA was appointed in his stead.

³⁾ See for the reservations made by the Portuguese delegation in the Plenary Session of April 28th, 1919 p. 47.

⁴⁾ "Times", January 17th, 1920.

Referring to the practical tasks of the moment which they had before them M. BOURGEOIS said :

"Public opinion will perhaps be surprised that we have not to-day carried further our deliberations.

We do not forget the impatience with which our decisions are awaited. We are also well aware of the doubts of some and the ardent enthusiasm of others, but we are here to represent responsible Governments, and while realizing the grandeur of the work we cannot ignore the inevitable difficulties of the enterprise we are trying to serve.... With eyes fixed on the distant future, but with our feet on the solid ground of political and social realities, we will create a world in which the League can develop in the spirit of justice and the will for peace."

Then Lord CURZON made a speech from which we reproduce the following :¹⁾

"Born a year ago, amid great hopes, though not without anxious symptoms, the League of Nations to-day enters upon its active existence, and on behalf of the British Empire I desire to express the loyalty of my Government and of the External Dominions of the British Crown to the spirit which underlies the Covenant of the League, our intention by every means in our power to ensure its practical efficacy, and our firm belief that through its instrumentality alone we can hope to ensure that such horrors and miseries as the world has experienced during the past five years shall not be repeated, and that a new era of international relationships shall dawn.

The League of Nations is the expression of an universal desire for a saner method of regulating the affairs of mankind. It is not a mere expression in platonic language of the necessity for international friendship and a good understanding. It provides the machinery by which practical effect may be given to these principles. The doctrine of community of international interests is now for the first time provided with an instrument, endowed with formidable powers, fortified by the allegiance of Governments, and supported by the public opinion of the civilized world.

The Council which meets for the first time to-day is the fore-runner of many similar gatherings at which the Statesmen of the nations, great and small, will meet together to promote this co-operation and to exchange views.

¹⁾ "The League", for February, 1920, p. 175.

In the League of Nations an organ is thus created which will bring together those who are chosen by their people to represent them. Should disputes unhappily arise, the disputants will find themselves in an assembly of impartial and unbiased councillors whose sole aim will be to remove any misunderstandings which may have arisen and to point the way towards an amicable solution.

It has sometimes been said that the League of Nations implies the establishment of a super-State or super-sovereignty. The very title 'League of Nations' should be sufficient to dispel this misconception. The League does not interfere with nationality ; it is upon the fact of nationhood that it rests.

The League is an association of sovereign States whose purpose is to reconcile divergent interests and to promote international co-operation in questions which affect, or may affect, the world at large. How valuable such international co-operation can be is proved by the Labour Conference which took place recently at Washington.

There, for the first time, an attempt was made to bring together, under the auspices of the League of Nations, representatives of Governments, of employers and of labour. In spite of many adverse circumstances, delegates attended from thirty-nine nations, in every part of the world, and the result has been a great advance towards the general betterment of world labour conditions. Employers and Labour, brought face to face, found that there was a large extent of common ground on which they could meet. Instead of the violent conflict of class interests which was predicted by some, agreement was reached on many questions such as that of the eight-hours day and the forty-eight hours week, which had led to bitter disputes in the past. In a single month there were drafted and passed, in most cases with a full measure of agreement, six Conventions and six recommendations. There is every hope that within twelve months the provisions of these instruments will be placed on the statute books of most, if not all, of the countries concerned. If this hope be fulfilled, there will have been achieved in one year, through the machinery created by the Treaty of Versailles, an advance exceeding the results of the entire work of the previous quarter of a century in the field of international action in industrial questions.

The success of the Labour Conference is of good augury for the future of the League of Nations, and in particular it has demonstrated the use and the power of public debate in one field of international action. The peoples of all countries have now learnt that foreign affairs are their vital concern, and they are demanding with ever-increasing insistence that international obligations shall not be incurred without their knowledge

and behind their backs. Their eyes have been opened to the necessity for co-operation between all nations, but they ask that it shall be open co-operation.

There is another and more important result which it is to be hoped that the habit of mutual confidence may bring about. It is this—that great national armaments will in time automatically disappear. We shall not perhaps see this come about in the immediate future, but the present weight of armaments is so oppressive to the nations and peoples concerned that we should at once resort to the measures indicated in the Covenant to bring relief.

There are other activities of the League of wide significance, such as the just treatment of native inhabitants in territories under the control of the members; freedom of transit; equitable treatment of commerce among members, and, in another and not less important sphere, the prevention and control of disease. The success of the League of Nations will affect many branches of human life and welfare. M. BOURGEOIS has explained that the League of Nations is called upon to perform certain duties in connection with the Treaty of Versailles. It will be asked to undertake further obligations under the terms of other Treaties of Peace. In no case, however, will these obligations be inconsistent with the high conceptions which animated the founders of the League.

Whilst I am in entire agreement with all that M. BOURGEOIS has said, I should wish especially to express my full concurrence in his observations as regards the United States of America. The decision must be her own, but if and when the United States elects to take her place in the new Council Chamber of the nations, the place is vacant for her, and the warmest welcome will be hers.

In conclusion, I have to thank my colleagues for having given me the opportunity to utter these few words on an occasion of so much importance in the history of the spiritual progress of mankind."

Both M. BOURGEOIS and Lord CURZON, welcomed Viscount GREY, who was present. After the Brazilian representative had made a few remarks, three members were appointed on the Commission entrusted with the delineation of the frontier of the Saar Basin (Art. 48 of the Peace Treaty), viz. Colonel WACE (Great Britain), M. LAMBERT (Belgium) and M. KOBOYASHI (Japan).

M. BOURGEOIS moved to convene the next meeting of the Council in London and this was agreed to.

This second meeting took place in London, at St. James's Palace, from February 11th—13th, 1920. The same members were present as at the first meeting, with the exception that Great Britain was represented this time by Mr. BALFOUR and Greece by M. CAKLANANOS.

Mr. BALFOUR, in opening the proceedings said :¹⁾

"Gentlemen, I desire, on behalf of the Government of this country, and of the country itself, to welcome to-day our visitors upon the Council of the League of Nations. We are most gratified at seeing them here; but there is one blot on the assembly, if I may say so, which is that we are eight instead of nine. As the Council of the League was originally designed in Paris, as it was embodied in the Treaty of Versailles, the five Great Powers and four representatives of other Powers were to constitute the Council of the League. Events, which it is not the least necessary, or even desirable, that I should touch upon, have somewhat marred the symmetry of that plan, and as I was myself one of the Plenipotentiaries at Versailles I am sure that nobody whom I am now addressing, and none of my friends in America, will think that I am doing wrong in expressing my personal regret that, for the moment at all events, we have not reached our complete numbers. As it is, however, I do not doubt that we shall be able to do useful work, and that this institution, which carries within itself so many promises for the future, may in this its second meeting do something towards contributing to the consummation which we all desire. Gentlemen, on your behalf, I venture to assure all my colleagues here present of the hearty welcome we give them on this occasion."

M. BOURGEOIS then said :

"The Council of the League of Nations wish to express the profound gratitude that they feel towards the British Government for what they feel is a double honour—first of all, the holding of this meeting in this historic Palace, and secondly, the sending of Mr. BALFOUR as representative. I will now outline the task of the second meeting. As the French representative at the first meeting, I was given the task of preparing, with the Secretary General, the agenda. I wish to acknowledge here my profound gratitude to Sir ERIC DRUMMOND, who has shown such great competence and cordiality in the work that we have undertaken together. My work has also been rendered easy by the excellent relations

¹⁾ "Times", February 12th, 1920.

which exist between us and our colleagues. Together we have drawn up the following agenda :

1. Certain questions with regard to Switzerland's entry into the League, on which the Swiss Government desire to have the opinion of the Council.
2. Order of Procedure for the Council of the League of Nations.
3. Saar Basin. (a) Appointment of the five members of the Governing Commission. (b) Petition from certain inhabitants of the municipalities of Wadern, Weiskirchen, Losheim, and Britten, adjoining the Saar Basin.
4. Free City of Danzig. Appointment of the High Commissioner.
5. Organization of the Permanent Court of International Justice. Proposed list of names of international jurists, to be invited to form a Committee to prepare plans for the constitution of the Court.
6. Duties of the League as to transit, ports, waterways, and railways.
7. Health. Constitution of International Body for Health Problems.
8. Polish Minority Treaty. Guarantee of the League of Nations.

Before we proceed with our work we are going to distribute these various questions to be reported by the various members of the Council. I wish here to add a few words of regret to the words expressed by Mr. BALFOUR in that we see but eight members round this table instead of nine.

Now is left to me a most agreeable task, and that is to propose that Mr. BALFOUR should take the chair at this meeting. MR. BALFOUR, who is one of the most eminent men in England, is undoubtedly most suited for this task."

Mr. BALFOUR then took the chair. After thanking M. BOURGEOIS for proposing that he should preside he said :

"His Excellency has read to you the agenda, prepared by himself with the assistance of the Secretary General, and which will in the main, subject to any decision that may be taken by the Committees, regulate our proceedings. I ought to add this. After consultation with him and with my other colleagues we have come to the conclusion that the details of our work cannot with advantage take place in an open assembly. We recognize the extreme importance, and indeed necessity, of publicity in the true and useful form of that phrase, but the actual detailed discussion we believe can only be carried on with that perfect freedom which is desirable—I even go further, and say necessary—if the work is to be efficiently done. The course, therefore, that we propose to take is to have this meeting at which we are all here gathered together an open meeting; then to resolve ourselves, as it were, into a committee and deal with

the agenda in detail; then to have another open meeting, at which the general results of our labours will be communicated to the public, first to any who may be present in this room, and through them to the public at large. That is the procedure which commends itself unanimously to my colleagues. I am convinced that it is the right procedure, and I trust that we shall be supported in that decision by the general verdict of public opinion. I cannot say for certain when the next public conference will take place; probably if our expectations are fulfilled it will be on Friday morning. We shall sit this afternoon and to-morrow in what I may call the Committee stage, and if any of you gentlemen present here desire to hear the results of our labours, I hope we shall be able to lay them before you in a clear and suitable form on Friday morning.

MR. BALFOUR concluded by giving the following list of *rapporeurs*—he was not quite sure that he knew what the English phrase was—who would be in charge of various questions, and would bring them before the notice of their colleagues. The list was as follows:

Switzerland's entry into the League—MR. BALFOUR.

Procedure for the Council of the League of Nations—M. FERRARIS.

The Saar Basin, the appointment of the members of the Governing Commission and the consideration of a petition from the inhabitants—M. CAKLANANOS.

Danzig and the appointment of the High Commissioner—M. HYMANS.

The organization of the Permanent Court of International Justice—M. BOURGEOIS.

Transit, ports, waterways, and railways, and the duties of the League in connexion therewith—M. QUIÑONES DE LEON.

Health—M. DA CUNHA.

The Polish Minority Treaty—M. MATSUI.

In the afternoon, and next day, the Council met again, the proceedings being private, and, on February 13th, another public meeting was held.¹⁾

Mr. BALFOUR, opening the proceedings, said :

"It is the opinion of the Council that the final stage of their decision should be taken in public, and that procedure which we have adopted we shall carry out at to-day's proceedings. It is unnecessary that I should occupy your time by any lengthy remarks before we come to the discussion of the statements of the conclusions at which we have arrived, and

¹⁾ "Times", February 14th, 1920.

the various items in our programme. That statement will be made by my colleagues of the Council, each one taking in turn the speech of which he was the appointed supporter.

We will then explain the decision we have come to, and we shall formally notify it. Perhaps before calling upon His Excellency M. BOURGEOIS to begin our distinctly business proceedings, I may be allowed to say this one word of preface. We are a very young constitution. This is the second time that we have met, and it is perhaps the first time on which it may be said that we have had before us a general programme of international business. It is too early to forecast our future, but I may say that if the experience of the last few days and hours is any guide or indication of what that future is to be, I look forward to it with the utmost confidence.

In Paris, the greater part of the work, as you no doubt know, had to be done by the representatives of the Great Powers. They were assisted by the representatives of the other Allies on certain rare and fixed occasions. Here for the first time we have not merely representatives—I am sorry to say in this case four, not five Great Powers—of the Great Powers, but we have also representatives working out the details with us of Allied Powers, and more important perhaps than all—more novel, at all events—we have the valuable assistance of representatives of neutrals. This is a great and, I believe, a happy and beneficent innovation, and if the nations of the earth, not merely those who are engaged in hostilities, but those who—not so many after all—were not involved in this world cataclysm—if we could all assemble and meet together and discuss in future in some business-like, friendly, and conciliatory spirit which has marked every moment of our proceedings in the last few days, I cannot doubt that the services which the League of Nations is capable of rendering in the future to mankind is almost incalculable and certainly is beyond computation at the present moment."

M. BOURGEOIS then presented his report on the organization of the Permanent Court of International Justice. He said :

"Like the individuals who make up the States they belong to, the League of Nations can exist only by scrupulously respecting the rights of every one of its Members. Its aim is to establish the reign of justice in a world convulsed by the most murderous of wars; it must be founded on justice. If justice is to reign, it must have a permanent instrument, a visible interpreter to make clear its existence in the eyes of the nations, and fortify their weakness, so often defenceless, with the arm of its own strong, impartial, and supreme authority.

Private individuals, to whatever party they may belong, know where to find judges ready to hear their plaints, and to settle as the law requires who will resolve the differences which divide them. Besides and beyond these national Courts, whose duty it is to administer the laws of each State within the limits of its territorial jurisdiction, there is room for an international tribunal entrusted with the lofty task of administering international law and of enforcing between nations that principle of securing to each man what is his own, which is the law of human intercourse. This will be the Permanent Court of International Justice, whose essential and early establishment was provided for by the Covenant of the League of Nations, though the task of bringing it into being was left to the Executive Council.

«The Council, runs Article XIV of the Covenant, shall formulate and submit to the members of the League plans for the establishment of a Permanent Court of International Justice. This Court shall deal with all international disputes submitted to it by the parties concerned. It will also give its advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.»

This Court of Justice which is about to be established, whose general jurisdiction has thus been briefly described, has already been invested with certain definite powers by the Peace Treaty of Versailles and the other Treaties modelled upon it. Articles 336, 337 and 386, for instance, of the Treaty of Versailles entrust to the tribunal set up by the League of Nations the investigation and solution of various problems concerning international waterways. Articles 415 to 420 and 423, on the organization of labour, bring within the jurisdiction of the Court a charge more notable still. To give full effect to these powers, and curtail these temporary measures of accepted urgency (see Articles 425 and 426), it is essential that the organization of the Permanent Court of International Justice should be dealt with without delay. That is why the Council has been summoned to study this problem at its meeting in London.

M. BOURGEOIS detailed points on which agreement had been easy at the Hague Conference of 1907 regarding the creation of the Permanent Court, and said it was not so, however, when it came to deciding how the members of the Court should be appointed. "The number of judges," he said, "had necessarily to be restricted, and there could be no question of giving a representative to each of the 44 States which had taken part in the work of the Conference. But how was a choice to be made between Powers of equal sovereignty, equally jealous of their prerogatives? Should the selected judges, to the number of, say, 15 or 17, be chosen for their ability and without distinction of nationality by the General Assembly of

the Court of Arbitration, or by the representatives of the States? Should they be drawn by lot, for each case, from among representatives nominated by each one of the 44 States invited to the Conference? Would a rotation roll be possible, as was proposed by the United States and decided for the International Prize Court, each of the Great Powers to have a permanent judge, while the others would have a judge only for a number of years commensurate with their importance.

On this question, which threatened the very principle of the legal equality of nations, the Conference could arrive at no satisfactory conclusion; it therefore gave up the idea of itself organizing the Court which it essentially approved, and contented itself with inserting in the final report of its labours a simple hope expressed in these words: 'The Conference recommends to the Signatory Powers the adoption of the annexed Convention and scheme for the establishment of a Court of Justice by Arbitration and for its putting into force as soon as an agreement has been reached on the nomination of judges and the constitution of the Court.'

It is for the League of Nations, outcome of the war of nations, to-day to realize this hope to which the Institute of the International Law subscribed at its meetings at Christiania in 1912. Moreover, circumstances are singularly favourable for its immediate realization. From all parts of the devastated and tormented world goes up a cry and a demand for justice. The military and moral unity which for five years held the free peoples together, and concentrated their efforts to defend the right, must survive our victory; it could not find nobler expression on a more splendid symbol than in the establishment, at last recognized as possible, of a Permanent Court of International Justice. This instrument of the League of Nations, this Court, however it be composed, will be set free from all national preoccupations, for the exercise of its sovereign jurisdiction and the Executive Council's intervention in the choice of its members, nay even that of the Assembly of the League, will be calculated to remove all anxieties and to guarantee against all attack the guardian principle of the equality of nations.

It appears to us that the study of the principal problems of our mandate might usefully be entrusted to a commission of legal experts, whose conclusions would be brought up and discussed at one of our next meetings. The duty assigned to our devoted collaborators will be made easier by the extensive researches inspired in various countries by the unfinished work of The Hague. The reports at the Conference to which the problems of the composition and procedure of the Permanent Court often gave rise in 1907, will form the natural point of departure for their inquiry. And this inquiry will leave them to plan for us a scheme designed to satisfy

absolute justice, to conciliate the legitimate interests of nations, to crown in the happiest manner possible the evolution of centuries whose laborious history we have related."

M. BOURGEOIS then proposed that the Committee to report on the Permanent Court of International Justice should consist of the following international jurists, whose names he read:

Baron DESCAMPS, Belgian Minister of State;

M. DRAGO, formerly Foreign Minister, Argentine Republic;

Professor FADDA, Professor of Roman Law at Naples University;

M. FROMAGEOT, Legal Adviser to the French Prime Minister;

M. GRAM, formerly a Judge of the Mixed Tribunals in Egypt;

M. LODER, member of the Cour de Cassation of the Netherlands;

Lord PHILLIMORE, English Privy Councillor, Lord Justice of Appeal, 1913—1916, President of Committee of Inquiry appointed by the British Government on the subject of the League of Nations;

Mr. ELIHU ROOT, former Secretary of State, United States, president of the American Society of International Law;

M. VESNITCH, Ambassador Extraordinary and Minister Plenipotentiary of the Serb-Croat-Slovene State at Paris;

M. SATSUO AKIDZUKI, formerly Japanese Ambassador to Vienna, one of the legal advisers to the Japanese Peace Delegation in Paris;

M. RAFAEL ALTAMIRA, Professor of Law in Madrid University, Senator;

M. CLOVIS BEVILAQUA, Professor of Law and Legal Adviser to the Minister of Foreign Affairs, Brazil.

Mr. BALFOUR then, from the chair, formally moved, that those gentlemen be invited to form the Committee to prepare the plans for the Court, and the proposal was carried.

Mr. BALFOUR remarked that it would not have escaped notice that the list included the distinguished name of Mr. Root, the well-known American publicist. "It may be," said Mr. BALFOUR, "that for one reason or another Mr. Root will not find it possible immediately to accept, but the Council formally put on record that Mr. Root will always be welcome at whatever stage of our proceedings he feels it within his power to add to our deliberations the great weight of his learning and his name."

M. Quiñones de LEON submitted the report on the duties of the League of Nations as to transit, ports, waterways, and railways.

He pointed to the necessity of creating an administrative organization, which should be constituted by a permanent committee on communication and transit, and which will resume the character of an advisory body

of the League of Nations. To prepare this long and important work of organization, it would be necessary, he said, to create within the League of Nations a body which would lay before the Executive Council investigations, information, and opinions on the immediate application of the above clauses of the Covenant and the Peace Treaties.

We must not lose sight of the fact that there already exists an expert commission which has been concerned in these matters, and to which we may apply at once for their execution. This commission has been officially charged with a similar mission which, with an extended constitution, has continued to exist unofficially, and has actively carried on the examination of these problems. This is the Commission on the International Régime of Ports, Waterways, and Railways created at Paris, which fulfilled the duties of an advisory body to the Peace Conference.

To attain the end in view it would seem wiser, in place of creating a new body without experience, to utilize the one already in existence, which is expert in the consideration of these questions, which has accumulated a considerable fund of information for their solution, and which has profited by the examination of practical cases. It goes without saying that the Council, by resolving to utilize this commission as an advisory body, does not anticipate the solution of any fundamental question concerning the examination of questions concerning the freedom of communications and transit."

Senor LEON submitted to the Executive Council of the League of Nations the following conclusions :

- a. To submit to the Council proposals for the formation of a permanent organization, as part of the organization of the League of Nations, concerning communications and transit.
- b. To prepare, for the submission to this organization, drafts of general International Conventions with regard to transit, waterways, ports, and railways, if possible.
- c. Provisionally, and until the organization has been formed, to advise on questions which the Council may think fit to submit to it, and which fall within the jurisdiction of the League of Nations under the terms of Article XXIII, of the Covenant of the League, and of the articles in the various Peace Treaties relating to ports, waterways, and railways.

The report was unanimously adopted.

M. DA CUNHA next presented his report on the creation of an International Health Bureau within the League of Nations.

The League of Nations was under Articles XXIII and XXV of the Covenant, he said, vested with very important functions relating to the health matter throughout the world.

If there were a field of action in which the League of Nations could bring immediate relief to nations and one which would affect individuals in their personal and family life, it was the field of social hygiene in the most liberal sense of the world. Health measures were essentially international measures, whether it be a question of adopting preventive or defensive means to combat contagious or epidemic diseases, or of popularizing methods of cure and treatments. Without solidarity and an effective understanding between nations, any national organization, however perfect in itself, would be insufficient. But neither the Council nor the Assembly of the League of Nations, nor even the Permanent Secretariat, possessed the requisite knowledge for the necessary technical research which was scientific as well as social.

To bring about the creation of a permanent organization, it would seem well to receive the proposals of a committee of competent authorities, instructed to submit proposals to this effect to the Council as soon as possible.

M. DA CUNHA submitted the following resolution :

"That in view of the duties imposed upon the League by Article XXIII (f) and Article XXV, the Council invites the Health Commission, which has already met informally on the initiative of the British Government, to constitute a conference by adding to its members a small number of international health experts with an official of the League as secretary. The conference will prepare for submission to the Council proposals concerning the institution of a permanent body to whom the Council can refer for advice, and, if necessary, for action, all questions connected with the execution of the above-mentioned Articles."

The report was unanimously adopted.

At the afternoon session M. CAKLANAMOS presented his report on the future government of the Saar Basin.

He stated that according to the instructions of the Council he had to submit to the meeting for their approval the following considerations concerning the government of the Saar Basin, the appointment of the Commission to which this government is entrusted, and the petition of certain German inhabitants of regions adjacent to the Saar Basin. The

Council proposed that the government of this territory should be entrusted, according to the Peace Treaty, to a commission representing the League of Nations which shall consist of five members: One citizen of France, one native inhabitant of the Saar Basin not a citizen of France, and three members belonging to three countries other than France or Germany.

The five members will be appointed for one year by the Council of the League of Nations, and may be re-appointed. They will be entitled to a salary which would be fixed by the Council of the League and charged on the local revenues.

The German of the Governing Commission would be appointed for one year from among the members of the Commission by the Council of the League of Nations, and might be re-appointed. The Chairman would act as the executive of the Commission.

It seemed to him that the chairmanship should fall to the French member of the Governing Commission. The economic development, and in general the prosperity of the population of the Saar Basin, largely depended on the assistance that the French Government might grant them. In fact, by the stipulations of the Peace Treaty itself, the whole and absolute possession of the mines situated in the Saar Basin fell to France who might exploit them without restriction. Moreover, the Treaty stipulated that the territory of the Saar Basin should be subjected to the French Customs régime. By ensuring to the French State the possession and exploitation of the mines of the Saar on one hand, and on the other by entrusting it with the administration of the Customs, the Peace Treaty had granted to France a body of rights concerning which the French Government was not required to consult the Governing Commission.

It was necessary, nevertheless, that these rights be exercised in complete accord with the aforesaid Commission as to the method of their application. The welfare of the population of the Saar and the necessity of maintaining order in this region require a close collaboration between the French Government, which by the Treaty controls a very important part of the economic life of the Basin, and the Governing Commission, to which the Council entrusts its administration.

Within the territory of the Saar Basin the Commission would have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials, and the creation of such administrative and representative bodies as it may deem necessary. It shall have among other powers to administer and operate the railways, canals, and the different public services. Its decisions shall be taken by a majority.

The Council resolved that the following be appointed members of the Saar Basin Governing Commission for a period of one year: M. RAULT, State Councillor (French), M. ALFRED VON BOCH (Landrath de Sarrelouis) (Sarrois), Major LAMBERT (Belgian), the Count DE MOLTKE HVITFELDT (Dane). The name of the fifth member of the Commission will be announced later, when the answer to an invitation sent has been received. M. RAULT was appointed chairman of the Commission.

M. PAUL HYMANS, the Belgian Minister, moved a resolution concerning the High Commissioner of the League of Nations at Danzig.

This resolution laid down that the City of Danzig shall be established as a free city to be placed under the protection of the League of Nations and the constitution drawn up by the duly appointed representatives of the free city in agreement with a High Commissioner to be appointed by the League and the city placed under the guarantee of the League. M. HYMANS explained that the High Commissioner of the League would also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the free city of Danzig in regard to the Peace Treaty or any arrangements or agreements made thereunder.

The Council resolved, on the motion of M. HYMANS, that Sir REGINALD TOWER be appointed High Commissioner of the League of Nations at Danzig and be invited to submit in due time the constitution of the free city of Danzig to the approval of the League in order that the constitution might be placed under the guarantee thereof.

Mr. BALFOUR then dealt with Switzerland's admission to the League, and a resolution with reference hereto was adopted.¹⁾

Mr. BALFOUR then referred to the financial crisis.

He said that everybody who had studied this question, and, indeed, most people whether they had studied the question or not, were only too painfully aware of the difficult position in which Europe found itself at present, owing to the financial difficulties in which so many of its constituent nations were involved, and the difficulties which exchange imposed upon the healthy readjustment of trade and the return to the normal economic conditions. Under those circumstances the Council of

¹⁾ See p. 248.

the League, he said, had taken note of a published declaration of the British Chancellor of the Exchequer, dated February 11th, on the subject of the possible participation of Great Britain in an International Conference on the subject of the world-wide financial exchange crisis, and they had decided as follows :

1. The Council of the League of Nations shall convene an International Conference with a view to studying the financial crisis and to look for the means of remedying it and of mitigating the dangerous consequences arising from it.
2. A Commission composed of members of the Council nominated by the President is instructed to summon the States chiefly concerned to this Conference to convene it at the earliest possible date.

Mr. BALFOUR then announced that that concluded the business of the meeting. The time and date of the next meeting of the Council, he explained, would be left to the decision of the President, in consultation with the General Secretary. The place of meeting would be Rome ¹⁾, unless some unforeseen obstacle occurred.

Mr. BALFOUR then declared the proceedings at an end and the Conference was formally closed.

RULE WITH REGARD TO UNANIMITY.

In the Covenant the general rule is laid down that decisions in the League of Nations shall require the agreement of all the Members of the League represented at the meeting (Art. V). ²⁾ This article, however, provides for the possibility of exceptions being made to this general rule.

The following is a summary of such exceptional cases : ³⁾

¹⁾ The third meeting took place at Paris, on March 13th, 1920, the matter under discussion being the nomination of a Commission of Inquiry for Russia.

²⁾ It is evident that this rule does not apply to the mediatory and conciliatory functions of the Council pursuant to Art. XV. In this article a distinction has been explicitly made between a report passed unanimously by the Council and one passed by a majority of votes: with regard to cases where the dispute may be referred by the Council to the Assembly, the possibility of a unanimous report is considered to be so slight, that it is has been prescribed that a report made by the Assembly, if concurred in by the representatives of those Members of the League represented on the Council, and of a majority of the other Members of the League, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

³⁾ Cf. "League of Nations Journal", for September, 1919, p. 378.

In the first place the Covenant itself contains some of these exceptions: according to Art. V, Paragraph 2, all matters of procedure arising at the meetings of the Assembly, or of the Council, may be decided by a majority of the Members of the League, represented at the meeting.

In three cases decisions are mentioned for which the approbation of the Assembly is required, viz: 1. concerning the appointment of additional Members, the representatives of which shall always be members of the Council (Art. IV); 2. concerning the increase of the number of Members to be selected by the Assembly for representation on the Council (Art. IV), and 3. concerning the appointment of the Secretary General (Art. VI). In each of these three cases the approbation of the majority of the Assembly is sufficient.

There is further Art. I, which provides that new States may be admitted if their admission is agreed to by two-thirds of the Assembly.¹⁾

Finally Art. XVI stipulates that any Member which has violated any covenant of the League may be excluded from the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

The most important exception to the rule regarding unanimity, in the Covenant itself, is that laid down in Art. XXVI; according to this, amendments of the Covenant do not require the ratification by all the Members whose representatives compose the Assembly, only a majority. Although it has been added that the Members of the League are not bound by these amendments, it is nevertheless true, there is the general fact that the decisions of the League, in this respect, may be taken by a majority.

The Peace Treaties also contain a series of provisions, where a deviation is made from the rule with regard to unanimity.

In the Peace Treaty of Versailles, in Paragraph 40 of the Annex dealing with the Saar Basin (under Art. 50), it is laid down, that in matters dealt with in this Annex, the decisions of the Council of the League of Nations, will be taken by a majority.

The General Articles of Part V, "Military, Naval and Aerial Clauses", terminate with Art. 213, which reads as follows:

¹⁾ The reports of M. AUGAGNEUR and of M. BARTHOU treat the question whether this same majority of the Assembly, or only the Council by a unanimous vote, will be able to decide if a new member to be admitted to the League is giving the effective guarantees, in conformity with Art. I.

"So long as the present Treaty remains in force, Germany undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary."

The General Articles of Part X, "Economic Clauses", state that certain obligations imposed upon Germany by this Part of the Treaty, shall cease to have effect five years from the date of the coming into force of the Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall decide to fix a subsequent term. Such a decision, relating to art. 276, shall be taken by a majority of the Council (Art. 280).

The Peace Treaty with Austria contains analogous exceptional cases, so, e. g. Arts. 159 and 232.

Some other exceptions are found in the Minority-Treaties. For instance, the Treaty between the Principal Allied and Associated Powers and Poland, which in art. 12, lays down that the stipulations of the foregoing articles, so far as they affect persons belonging to racial, religious, or linguistic minorities, shall not be modified without the assent of a majority of the Council.

The Triple Pact, signed between France, the United States and Great Britain, in Art. 3, also mentions two cases in which the Council shall take a decision by a majority.¹⁾

The Convention regulating traffic in arms and munitions, authorizes the Council of the League to express a wish for the reconsideration of this Convention. Such a wish may be expressed by the Council by a majority.²⁾

THE SECRETARIAT.

The idea of establishing the Seat of the League in Switzerland, only assumed definite form in the course of the deliberations of the League of Nations' Commission, in Paris. In its "Message" of August 4th, 1919, the Swiss Federal Council states that Switzerland took

¹⁾ See p. 286.

²⁾ See p. 297.

no official steps, until requested by members of the Peace Conference itself, in view of the decision which had to be come to, to declare her readiness to agree to the establishment of the Seat of the League in Switzerland. On March 22nd, 1919, the following note was addressed, by the Federal Councillor M. CALONDER, to the President of the Conference :¹⁾

„A la fin de la Conférence officieuse convoquée pour entendre les vœux des neutres, Lord ROBERT CECIL a déclaré que les Etats invités à cette Conférence seraient les bienvenus dans la Société des Nations.

Je saisis cette occasion pour Vous informer que la Suisse considérerait comme un grand honneur de pouvoir offrir l'hospitalité de son territoire pour le cas où la Société des Nations voudrait fixer son siège dans notre pays.

Le Gouvernement et le peuple suisse seraient heureux et fiers de manifester ainsi leur vif désir de collaborer à l'œuvre de pacification mondiale entreprise par les auteurs du Pacte. Les traditions politiques et humanitaires de la Confédération helvétique, ses institutions démocratiques et sa position géographique semblent la recommander au choix de la Conférence que vous présidez.

D'ores et déjà, je peux vous assurer que les Autorités fédérales, cantonales et municipales s'empresseraient d'offrir à la Société toutes les facilités et tous les avantages qu'elle pourrait désirer.

J'ajoute qu'une note analogue est adressée à Monsieur WILSON, Président de la Commission de la Société des Nations.”

After M. HYMANS had, in the Plenary Session of April 28th, recalled the fact that he had demanded, in the meeting of the League of Nations' Commission of April 11th, that Brussels should be chosen as the Seat of the League of Nations, Geneva was designated as the Seat, by the adoption of the Covenant without modification.²⁾

Pursuant to the report of the meeting of the Organization Committee, on May 5th, we find statements published in the newspapers, at the beginning of June, to the effect that the Secretariat of the League of Nations had been established provisionally at Sunderland House, Curzon Street, London, W.

After a time, it was found that the first seat at Sunderland House, Curzon Street, was not large enough for the Secretariat, and it was therefore transferred partly to 117 Piccadilly.

As to the establishment of the League at Geneva no account was given in the press of any preparatory measures taken by the

¹⁾ „Message”, p. 369.

²⁾ A Proclamation of the Council of State of the Republic, and of the Canton of Geneva to the people of Geneva, was published in the “Journal de Genève” of April 30th.

Swiss Government. Nor does the "Message" of the Federal Council of August 4th, 1919, although containing a chapter entitled „Le Siège de la Société des Nations à Genève" give any details as to this question.

Moreover, there appeared to exist some uncertainty as to the removal of the Secretariat to Geneva. On October 8th, M. DESTRÉE raised the question of the Seat of the League in the Belgian Chamber, and a petition to the same effect was addressed to the Belgian Parliament:¹⁾

„Considérant :

Que la décision de la Conférence de Paris de fixer à Genève le siège de la Société des Nations a provoqué une surprise dans l'opinion publique de tous les peuples alliés, que des manifestations multiples et diverses se sont produites depuis cette décision, en faveur de la Belgique, dans la plupart des pays et tout particulièrement en France, en Italie et aux Etats-Unis ;

Que l'art. VII du Pacte stipule en termes exprès que le siège de la Société des Nations peut être changé à tout moment ;

Que par de multiples raisons, géographiques, économiques, historiques et morales il a été reconnu que ce siège serait plus normalement fixé en Belgique, que d'autre part il importe hautement à celle-ci qu'il en soit ainsi, tant au point de vue de la sécurité morale à laquelle elle a droit depuis que la neutralité a été reconnue insuffisante, que des avantages qui résulteraient pour elle à titre de compensation des maux soufferts, de se trouver au centre de la coopération internationale ;

Qu'en réponse à la double objection faite que Bruxelles ne saurait devenir une ville internationale et que les ennemis d'hier quand ils entreront dans la Société des Nations ne sauraient être humiliés en étant obligés de venir siéger dans un pays où ils ont provoqué un si légitime ressentiment, la Belgique, il doit répondre en proposant une solution nouvelle ;

Pour ces motifs :

La Chambre et le Sénat invitent le Gouvernement à négocier avec la Société des Nations pour lui offrir en toute souveraineté pour son propre siège, une superficie du territoire belge à convenir, comportant 3.000 hectares maximum, destiné à devenir à l'égard de tous les gouvernements un district fédéral mondial, à la manière dont les Etats Américains ont établi le district fédéral de la République pour y ériger Washington,

¹⁾ This petition was handed to us by M. PAUL OTLET, one of the signatories, Secretary of the "Union des Associations Internationales".

En conséquence :

l'art. I de la Constitution relatif au territoire est ajouté aux articles soumis à la prochaine révision constitutionnelle."

The desire to make Brussels the Seat of the League was not without support in France: one of the four conclusions of M. AUGAGNEUR's report on the Peace Treaty contains the wish, that Brussels might be selected as the Seat of the League.¹⁾

Sir JAMES ERIC DRUMMOND, K.C.M.G., C.B., (born Aug. 17th, 1876) was nominated in the Plenary Session of April 28th, 1919 as first Secretary General of the League. In December, 1916 he became private Secretary to Mr. BALFOUR, after having served Sir EDWARD GREY in the same capacity during the latter's term of office as Foreign Secretary.

In an interview, granted to a Central News-representative, on May 30th, Sir ERIC made the following statement with reference to the organization of the Secretariat :²⁾

"The League has no official or legal existence until the Treaty of Peace is signed and ratified. An examination of the terms of the Treaty will show, however, that as soon as its provisions become effective certain duties at once will devolve upon the League. Fifteen days after the coming into force of the Treaty a commission of five members, three of whom are to be appointed by the League, must be set up to trace the exact frontier line of the Saar valley.

It is, therefore, clearly necessary to make general provision for the immediate and effective action of the League. To this purpose I am selecting the personnel of the Secretariat. Any scheme of organization must be approved by the committee appointed by the Plenary Conference, and all appointments ratified by the Council. We are working out plans for a truly international Secretariat. Its members will have an international character of mind. They must divest themselves of national preconcep-

¹⁾ In his report on the territorial clauses of the Peace Treaty, submitted to the French Chamber, M. BENOIST suggested Aix-la-Chapelle, as the Seat of the League. Major DAVID DAVIES, M. P., urged, on several occasions, for the transfer of the Seat of the League to Constantinople ("Times", October 15th, 1919, of January 13th, and February 23th, 1920). The "Westminster Gazette" in January and February 1920, contained a number of letters to the Editor, dealing with the same subject, in which also Vienna and the Hague were suggested.

²⁾ These biographical notes are reprinted from "Current History", for June, 1919, p. 509.

³⁾ "Manchester Guardian", May 31st, 1919. This interview was commented upon by the "Times" June 2nd, 1919.

tions.¹⁾ Its members are not to be appointed by or to be regarded as the representatives of their respective nations. When important national interests are involved it will be found essential that Prime Ministers and Foreign Secretaries should attend meetings of the Council and Assembly.

The Secretariat must show an entirely impartial aspect. There must be one guiding principle—that of securing really first-rate men and women interested heart and soul in the success of the League. Their quick response is the finest augury for the League's success."

As to the subdivision of the Secretariat into sections, and to the appointment of the various chiefs of these sections, no official notice was published in the press.²⁾

According to a paper issued by the Secretariat, the subdivision is as follows :

Under Secretaries	Mr. R. B. FOSDICK (U. S. A.) ³⁾ M. JEAN MONNET (France)
Section of international bureaux	
Section of administrative commissions	Director Dr. NITOBE (Japan)
Economic and Financial Section	Mr. ERIK COLBAN (Norway)
Labour Section	Mr. J. A. SALTER (Great Britain)
Legal Section	M. VARLEZ (Belgium) ⁴⁾
Political Section.	Dr. VAN HAMEL (Holland)
	M. MANTOUX (France)

¹⁾ In this connection we mention an open letter from Dr. HANS WEHBERG to the Secretary General of the League of Nations, Sir ERIC DRUMMOND, published in the „Deutsche Allgemeine Zeitung”, November 25th, 1919, entitled „Der Völkerbund und die Kaiserfrage”, in which Dr. WEHBERG protests against Prof. VAN HAMEL, chief of one of the Sections of the Secretariat of the League of Nations, occupying himself, in an article in a Dutch periodical, with the question whether Holland should extradite the ex-Kaiser.

²⁾ Cf. „Herr Drummond und seine Leute” in „Mitteilungen der deutschen Liga für Völkerbund” No. 17; „Deutsche Allgemeine Zeitung”, October 21st, 1919; „Journal de Genève”, October 22nd, 1919; „Algemeen Handelsblad”, July 21st, 1919.

³⁾ Mr. Fosdick retired on January 20th, 1920, on account of the lack of any decision on the part of the U.S. in regard to the League.

⁴⁾ In order to secure close relations between the Secretariat of the League and the International Labour Organization it was decided, at the meeting of the Governing Body of the International Labour Office at Paris, on January 26th, 1920, to invite M. VARLEZ to attend some of the discussions.

Section of public Information	Director M. COMERT (France).
Social Section	Dame RACHEL CROWDY (Great Britain)
Mandatory Section	Mr. G. L. BEER (U. S. A.)
Transit Section	Prof. ATTOLICO (Italy)
Section of financial Administration	Sir HERBERT AMES (Canada)
Establishment Officer	Mr. HOWARD R. HUSTON (U.S.A.)

In February 1920, the first number of the "League of Nations, Official Journal — Société des Nations, Journal Officiel" was published. It contains several documents, both in English and in French.

For some time public opinion did not inquire how the expenses of the provisional League were to be met. The question was discussed by the U. S. Foreign Relations Committee with Mr. LANSING, on August 6th, 1919.¹⁾ On November 12th, 1919 Mr. HARMSWORTH stated in the British House of Commons, with regard to the activities of the Secretariat of the League :²⁾

"I understand that an official statement of expenses will be published in due course. In the Supplementary Estimates, 1919—20, par. 10, under "Diplomatic and Consular Services," there is a vote, K/3 League of Nations £ 24,000. This is all that it is expected will be asked of his Majesty's Government as their share of the expenses in the period ending March 31st, 1920. No estimate has yet been made regarding the probable expenditure after April 1st, 1920,"

In France, a law was passed authorizing the opening of a credit on behalf of the Ministry of Foreign Affairs, for the organization of French services in Germany, for the work of the League of Nations, and for the Commissions to carry the Peace Treaty into effect.³⁾

As far as we know, in other countries, the question as to the

¹⁾ "Hearings before the Committee on Foreign Relations United States Senate", 1919 p 139.

²⁾ "Times", November 13th, 1919. On February 16th, a similar statement was made by Mr. BALDWIN in reply to a question put by Mr. KENWORTHY.

³⁾ "Journal Officiel", October 30th, 1919, p. 12094.

financial obligations which membership of the League would involve for each State, has not been discussed in public.

REDUCTION OF ARMAMENTS.

Art. VIII of the Covenant prescribes, that the Council of the League shall formulate plans for the reduction of armaments. As far as was known, at the time of writing, nothing had been published as to the preparation of such plans, by the Secretariat of the League.

The only statements showing that the Allied and Associated Powers have borne in mind the intentions they expressed with regard to the reduction of armaments, are the following :

First, the Preamble of Part V, of the Peace Treaty with Germany, that containing the military, naval and aerial clauses, which reads as follows :

“In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.”¹⁾

and secondly a passage, in the Economic Memorandum of the Supreme Council, of March 8th, 1920, which states that it is desirable

“that armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security, and that the League of Nations should be invited to consider, as soon as possible, proposals to this end.”

The Commission on the League of Nations, of the Paris Conference, in its report on the German counter-proposals, is said to have passed four resolutions, comprising i. a., the immediate reduction of armaments for victors as well as for vanquished.²⁾

In several Parliaments, on the occasion of discussions on military and naval Bills, as well as on War and Naval Estimates, reference was made to the League of Nations. Yet, as far as we know, the only legal provision in which the League of Nations and military policy are explicitly connected, is a stipulation in a Naval Bill of the United

¹⁾ Cf. the reply of the Allied and Associated Powers of June 16th, 1919, to the German delegation, sub IV, p. 138.

²⁾ See p. 255.

States, drawn up before the armistice had been signed, providing that "if the League of Nations is established, it shall be in the discretion of the President to say that all the new ships may not be constructed." Attention was drawn to this provision by Mr. DANIELS, the U. S. Secretary of the Navy, in a statement to the British Press in London on May 1st, 1919. ¹⁾

Mr. DANIELS emphasized his confidence in the League, by expressing himself as follows :

"It is unthinkable that any nation under the League should undertake competitive naval building based on suspicion and distrust. I think that the day when the League of Nations was agreed to unanimously — which is the greatest event which any generation has witnessed for centuries — will make unnecessary the tremendous expenditure of money by each nation."

and he continued by saying :

"that the commitment to the theory of the League of Nations would no doubt cause reconsideration everywhere". ²⁾

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The comminqué of June 10th, 1919, concerning the meeting of the Organization Committee of the League of Nations at Paris, on June 9th, states that the Committee considered it desirable to invite a certain number of eminent international jurists to advise on the constitution of the Permanent Court of International Justice, to be set up under Art. XIV of the Covenant. ³⁾

¹⁾ "Manchester Guardian", May 2nd, 1919.

²⁾ In an article in "The Independent" of January 10th, 1920 Mr. DANIELS refers to a similar provision in the Naval Appropriation Bill of 1916, which reads as follows: "If at any time before the construction authorized by this act shall have been contracted for there shall have been established, with the co-operation of the United States of America, an international tribunal or tribunals competent to secure peaceful determinations of all international disputes, and which shall render unnecessary the maintenance of competitive armaments, then and in that case such naval expenditures as may be inconsistent with the engagements made in the establishment of such tribunal or tribunals may be suspended, when so ordered by the President of the United States."

³⁾ At the meeting of the Interparliamentary Council at Geneva on October 7th and 8th, 1919, the Secretary General, M. LANGE, stated that a Commission of seven international jurists had been formed under the auspices of the League of Nations, entrusted with the task of elaborating a scheme for the establishment of such a Court. The Governments had been invited to send their proposals to that Commission.

In various neutral countries, advisory commissions have reported on the organization of such a Court.¹⁾

Pursuant to an invitation from the Dutch Government, a Conference was held in the Peace Palace at the Hague, from February 16th—27th, 1920, at which Denmark, the Netherlands, Norway, Sweden, and Switzerland, were represented. This Conference drew up a joint scheme for the establishment of a Permanent Court of International justice, the chief points of which are :²⁾

Complete equality of the States for the appointment of Judges and Deputy Judges who will be elected by the League of Nations.

Elimination of all political influences from the Court and its sphere of action.

Complete independence of the Judge in the exercise of his functions as regards the State to which he belongs.

The recommendations with regard to candidates to be made by the States which belong to the League.

The highest judiciary and administrative authorities and the faculties of Law of the Universities of the States belonging to the League to assist in the composition of the lists of candidates.

The Judges to be elected for nine years or for life and to reside at the headquarters of the Court.

Even those States which are not members of the League to have the right to plead before the Court.

The Court only to recognize private interests in so far as the States to which the individuals concerned belong take upon themselves the task of defending these interests.

The Court only to deal with disputes of an international character.

The methods of procedure to be analogous to those adopted in the Conventions of the Second Peace Conference at The Hague in 1907.

Each party to pay its own costs.

The Council of the League of Nations, at its second meeting, in London, from February 13th—15th, discussed the question of the Court.³⁾

The Peace Treaties themselves, and some other treaties and

¹⁾ The Norwegian Committee drafted a report under date of August 29th, 1919, entitled "Utkast til Ordning av en fast Internasjonal Domstol". The Dutch Government Reply, concerning the Bill on the adhesion of the Netherlands to the League, of February 11th, 1920, stated that the Dutch advisory Commission had also drafted such a scheme. Contrary to the procedure, followed in the Scandinavian countries, the Dutch scheme has not been published. For the Swiss point of view, we refer to the "Message du Conseil Fédéral suisse", of August 4th, 1919, p. 254, 259 and 294.

²⁾ "Times", March 1st, 1920.

³⁾ See p. 266.

conventions, concluded after the adoption of the Covenant, of April 28th, 1919, stipulate that in the event of a disagreement, the dispute shall be submitted to the Permanent Court, to be established under the League of Nations, viz.:¹⁾

- a. Part XIII of the Peace Treaty with Germany on Labour (Arts. 415—420 and 423);
- b. Peace Treaty with Austria (Art. 69 and 327);
- c. Treaty between the Allied and Associated Powers and Poland (Art. 12);
- d. Convention relating to International Air Navigation (Art. 38).

INTERNATIONAL TREATIES.

The Covenant stipulates that international treaties shall be registered forthwith with the Secretariat of the League (Art. XVIII), and, moreover, that the Members shall undertake not to enter into any international engagements inconsistent with the terms of the Covenant (Art. XX). Some international treaties concluded after the adoption of the Covenant contain clauses relating to these two articles of the Covenant:

a) THREE-POWER-PACT.

In the Plenary Session of the Peace Conference of May 6th, 1919. M. TARDIEU, after having given a survey of the peace conditions offered to Germany, read the following statement which was published in the press next day:¹⁾

„En plus des garanties fournies par le Traité de Paix, le Président des Etats-Unis d'Amérique s'oblige à proposer au Sénat des Etats-Unis, le Premier Ministre de la Grande-Bretagne s'oblige à proposer au Parlement de la Grande-Bretagne un engagement, soumis à l'approbation du Conseil de la Société des Nations, aux termes duquel les Etats-Unis et la Grande-Bretagne viendront immédiatement apporter leur assistance à la France dans le cas d'une agression non provoquée dirigée contre elle par l'Allemagne.”

Thus, on June 28th, at Versailles, France, Great-Britain and the United States, signed two treaties which being interdependent are

¹⁾ Elsewhere in the Peace Treaties, disputes are referred to a “tribunal instituted by the League.” According to M. BOURGEOIS (see p. 267) these words would also mean the Permanent Court of International Justice.

²⁾ “Protocole” N°. 6, p. 34.

called the "Three-Power-Pact". The stipulation contained in Art. 3 of these treaties goes beyond what is prescribed in Arts. XVIII and XX of the Covenant. The full text of the treaties reads as follows :¹⁾

I

TRAITÉ ENTRE LA FRANCE ET LA
GRANDE-BRETAGNE²⁾

signé à Versailles le 28 juin 1919

AIDE À DONNER À LA FRANCE
en cas d'agression allemande non provoquée.

Considérant qu'il y a un danger que les stipulations concernant la rive gauche du Rhin et contenues dans le Traité de Paix, signé à Versailles, à la date de ce jour, n'assurent pas immédiatement à la République Française une sécurité et une protection appropriées ;

Considérant que sa Majesté Britannique est désireuse, sous réserve de l'assentiment de Son Parlement et pourvu qu'une obligation analogue soit prise par les Etats-Unis d'Amérique, de s'engager à soutenir le Gouvernement français dans le cas d'un acte d'agression non provoqué dirigé par l'Allemagne contre la France ;

Considérant que le Président de la République Française et Sa Majesté Britannique ont décidé, dans ce but, de conclure un Traité et ont nommé, à ces fins, comme plénipotentiaires, savoir :

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE :

M. GEORGES CLEMENCEAU, Président du Conseil, Ministre de la Guerre ; M. PICHON, Ministre des Affaires Étrangères ;

SA MAJESTÉ LE ROI DU ROYAUME-UNI
DE GRANDE-BRETAGNE ET D'IRLANDE
ET DES TERRITOIRES BRITANNIQUES
AU DELA DES MERS, EMPEREUR DES
INDES :

Le Très Honorable DAVID LLOYD GEORGE,
M. P., Premier Lord de la Trésorerie et Premier
Ministre ;

¹⁾ The French text is reproduced from the report by M. BOURGEOIS to the French Senate (Annexe au Procès verbal de la séance du 3 octobre 1919 N°. 562). These treaties were commented upon by Mr. LLOYD GEORGE and M. CLEMENCEAU when they presented them, together with the Peace Treaty with Germany, to their respective Parliaments.

²⁾ The English text of this treaty is given in a White Paper [Cmd. 221]. The exchange of the ratifications of this treaty, between M. PICHON and Sir EYRE CROWE, took place on November 20th, 1919. The House of Commons on November 21st discussed how the refusal of the United States Senate to ratify would affect the above Treaty.

³⁾ This treaty was submitted to the American Senate on July 29th, 1919. The English text will be found in "Advocate of Peace", for August, 1919, p. 266.

II

TRAITÉ ENTRE LA FRANCE ET LES
ETATS-UNIS D'AMÉRIQUE³⁾

signé à Versailles le 28 juin 1919

AIDE À DONNER À LA FRANCE
en cas d'agression allemande non provoquée.

Considérant que les Etats-Unis d'Amérique et le Gouvernement de la République Française sont également animés du désir de maintenir la paix du monde, si heureusement restaurée par le Traité de Paix signé à Versailles, le 28 juin 1919, qui a mis fin à la guerre commencée par l'agression de l'Empire allemand et terminée par la défaite de cette Puissance ;

Considérant que les Etats-Unis d'Amérique et le Gouvernement de la République Française sont pleinement convaincus qu'un acte d'agression non provoqué, dirigé par l'Allemagne contre la France, ne violerait pas seulement tout à la fois la lettre et l'esprit du traité de Versailles, auquel les Etats-Unis d'Amérique et la République Française sont parties, exposant ainsi de nouveau la France aux intolérables charges d'une guerre non provoquée, mais qu'une semblable agression de la part de l'Allemagne constituerait et est réputée par le Traité de Versailles un acte hostile contre toutes les Puissances signataires dudit Traité et calculé pour troubler la paix du monde en y entraînant inévitablement et directement les Etats de l'Europe et indirectement le monde entier, comme l'expérience l'a amplement et malheureusement démontré ;

Considérant que les Etats-Unis d'Amérique et le Gouvernement de la République Française appréhendent que les stipulations concernant la rive gauche du Rhin et contenues dans ledit Traité de Versailles, peuvent ne pas assurer immédiatement à la France, d'une part, et, d'autre part, aux Etats-Unis, comme une des Puissances

Le Très Honorable ARTHUR JAMES BALFOUR, O. M. M. P. Secrétaire d'Etat pour les Affaires Etrangères ;

Lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, ont convenu des dispositions suivantes :

signataires du Traité de Versailles, une sécurité et une protection appropriées ;

En conséquence, les Etats-Unis d'Amérique et le Gouvernement de la République Française ayant décidé, de conclure un Traité pour ces fins nécessaires, WOODROW WILSON, Président des Etats-Unis d'Amérique, et ROBERT LANSING, Secrétaire d'Etat des Etats-Unis, spécialement autorisé à cet effet par le Président des Etats-Unis, et GEORGES CLEMENCEAU, Président du Conseil, Ministre de la Guerre, et STEPHEN PICHON, Ministre des Affaires Etrangères, spécialement autorisés à cet effet par RAYMOND POINCARÉ, Président de la République Française, sont tombés d'accord sur les dispositions ci-après.

ARTICLE I.

Dans le cas où les stipulations suivantes, concernant la rive gauche du Rhin et contenues dans le Traité de Paix avec l'Allemagne signé à Versailles le 28 juin 1919, par l'Empire Britannique, le Gouvernement de la République Française et les Etats-Unis d'Amérique entre autres Puissances :

Article 42. — Il est interdit à l'Allemagne de maintenir ou de construire des fortifications, soit sur la rive gauche du Rhin, soit sur la rive droite, à l'Ouest d'une ligne tracée à 50 kilomètres à l'est de ce fleuve.

Articles 43. — Sont également interdits, dans la zone définie à l'article 42, l'entretien ou le rassemblement de forces armées, soit à titre permanent, soit à titre temporaire, aussi bien que toutes manœuvres militaires, de quelque nature qu'elles soient et le maintien de toutes facilités matérielles de mobilisation.

Article 44. — Au cas où l'Allemagne contreviendrait, de quelque manière que ce soit, aux dispositions des articles 42 et 43, elle serait considérée comme commettant un acte hostile vis-à-vis des Puissances signataires du présent Traité et comme cherchant à troubler la paix du monde.

n'assurerait pas immédiatement à la France la sécurité et la protection appropriées, la Grande-Bretagne consent à venir immédiatement à son aide dans le cas de tout acte non provoqué d'agression dirigé contre elle par l'Allemagne.

ARTICLE I.

Dans le cas où les stipulations suivantes, concernant la rive gauche du Rhin et contenues dans le Traité de Paix avec l'Allemagne signé à Versailles le 28 juin 1919 par les Etats-Unis d'Amérique et le Gouvernement de la République Française ainsi que par l'Empire Britannique entre autres puissances :

Article 42. — Il est interdit à l'Allemagne de maintenir ou de construire des fortifications, soit sur la rive gauche du Rhin, soit sur la rive droite, à l'Ouest d'une ligne tracée à 50 kilomètres à l'Est de ce fleuve.

Article 43. — Sont également interdits, dans la zone définie à l'article 42, l'entretien ou le rassemblement de forces armées, soit à titre permanent, soit à titre temporaire, aussi bien que toutes manœuvres militaires, de quelque nature qu'elles soient et le maintien de toutes facilités matérielles de mobilisation.

Article 44. — Au cas où l'Allemagne contreviendrait, de quelque manière que ce soit, aux dispositions des articles 42 et 43, elle serait considérée comme commettant un acte hostile vis-à-vis des Puissances signataires du présent Traité et comme cherchant à troubler la paix du monde.

n'assurerait pas immédiatement à la France la sécurité et la protection appropriées, les Etats-Unis d'Amérique seront tenus de venir immédiatement à son aide dans le cas de tout acte non provoqué d'agression dirigé contre elle par l'Allemagne.

ARTICLE II.

Le présent Traité, conçu en termes analogues à ceux du Traité conclu à la même date et aux mêmes fins entre la République Française et les Etats-Unis d'Amérique, Traité dont une expédition est ci-annexée, n'entrera en vigueur qu'au moment où ce dernier sera ratifié.

ARTICLE II.

Le présent Traité, conçu en termes analogues à ceux du Traité conclu à la même date et aux mêmes fins entre la Grande-Bretagne et la République Française, Traité, dont une expédition est ci-annexée, n'entrera en vigueur qu'au moment où ce dernier sera ratifié.

ARTICLE III.

Le présent Traité devra être soumis au Conseil de la Société des Nations et devra être reconnu par le Conseil, décident, s'il y a lieu, à la majorité, comme un engagement conforme au Pacte de la

ARTICLE III.

Le présent Traité devra être soumis au Conseil de la Société des Nations et devra être reconnu par le Conseil, décident, s'il y a lieu, à la majorité, comme un engagement conforme au Pacte de la

Société ; il restera en vigueur jusqu'à ce que, sur la demande de l'une des parties audit Traité, le Conseil, décidant, s'il y a lieu, à la majorité, convienne que la Société elle-même assure une protection suffisante.

ARTICLE IV.

Le présent Traité sera, avant sa ratification par Sa Majesté Britannique, soumis au Parlement pour approbation.

Il sera, avant sa ratification par le Président de la République Française, soumis aux Chambres françaises pour approbation.

ARTICLE V.

Le présent Traité n'imposera aucune obligation à aucun des Dominions de l'Empire britannique, à moins que et jusqu'à ce qu'il soit approuvé par le Parlement du Dominion intéressé.

Le présent Traité sera ratifié et, sous réserve des articles 2 et 4, entrera en vigueur en même temps que le Traité de Paix avec l'Allemagne de la même date entrera en vigueur pour la République Française et l'Empire Britannique.

En foi de quoi les plénipotentiaires sus-nommés ont signé le présent Traité, rédigé en langue française et en langue anglaise.

Fait en double, à Versailles, le 28e jour du mois de juin 1919.

(L. S.) G. CLEMENCEAU.

(L. S.) S. PICHON.

(L. S.) D. Lloyd GEORGE.

(L. S.) ARTHUR JAMES BALFOUR.

Société ; il restera en vigueur jusqu'à ce que, sur la demande de l'une des parties audit Traité, le Conseil, décidant, s'il y a lieu, à la majorité, convienne que la Société elle-même assure une protection suffisante.

ARTICLE IV.

Le présent Traité sera, avant ratification, soumis aux Chambres françaises pour approbation. Il sera soumis au Sénat des Etats-Unis en même temps que le Traité de Versailles sera soumis au Sénat pour avis et assentiment à la ratification. Les ratifications seront échangées lors du dépôt à Paris des ratifications du Traité de Versailles ou aussitôt après qu'il sera possible.

En foi de quoi, les plénipotentiaires respectifs, savoir :

Pour la République Française, GEORGES CLEMENCEAU, Président du Conseil des Ministres, Ministre de la Guerre, et STEPHEN PICHON, Ministre des Affaires Étrangères ;

et

Pour les Etats-Unis d'Amérique, WOODROW WILSON, Président, et ROBERT LANSING, Secrétaire d'Etat des Etats-Unis,

Ont signé les dispositions qui précédent, rédigées en langue anglaise et en langue française, et y ont apposé leurs sceaux.

Fait en double, dans la ville de Versailles, le 28e jour du mois de juin de l'an de grâce mil-neuf-cent-dix-neuf, et le cent-quarante-troisième de l'indépendance des Etats-Unis d'Amérique.

(L. S.) G. CLEMENCEAU.

(L. S.) S. PICHON.

(L. S.) WOODROW WILSON.

(L. S.) ROBERT LANSING.

b) TREATY WITH POLAND.¹⁾

On the same date, on June 28th, 1919, another treaty was signed at Versailles, viz. a treaty between the Principal Allied and Associated Powers and Poland. With regard to the treaty nothing is prescribed

¹⁾ The French text is reprinted in full in the Bulletin of the "International Intermediary Institute", for October, 1919, p. 531. See for the English text "International Conciliation", for August, 1919, N°. 141.

The treaty was ratified by Poland on July 31st, 1919.

as to submission to the Council of the League. However, modification of certain articles requires the approval of the Council ; for Art. 12 reads :

"Poland agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, religious, or linguistic minorities, constitute obligations of international concern, and shall be placed under the guaranty of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, The British Empire, France, Italy, and Japan hereby agree not to withhold their assent from any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations."

That the Principal Allied and Associated Powers had in view the possibility of other activities of the League, with regard to international treaties, appears from Art. 19, which deals with Poland's adherence to "any new convention, concluded with the approval of the Council of the League of Nations, to replace any of the international instruments, specified in Annex I of the Treaty."

Art. 19, of the Treaty also shows that in addition to the task of registering new treaties, according to Art. XVIII of the Covenant, the Secretariat of the League, will also be charged with registering adherences to pre-war conventions :

"The Polish Government undertakes, within twelve months, to notify the Secretary General of the League of Nations whether or not Poland desires to adhere to either or both of the international conventions specified in Annex II."

c) ANGLO-PERSIAN TREATY.¹⁾

This agreement does not mention the League of Nations, by a single word. On August 18th, 1919, Lord ROBERT CECIL, in the House of Commons, asked : "Are we to understand that this Treaty will be laid before the Council of the League of Nations ?" Mr. HARMSWORTH answered : "I should think so, certainly" ; he, however, did not make it clear whether the British Government intended to have the treaty registered at the Secretariat of the League, a course that is inevitable for all treaties, according to Art. XVIII of the Covenant, or whether it was the intention to make the treaty subject to the approval of the Council of the League.

¹⁾ This agreement which was signed on August 9th, 1919, was published as a White Paper (Persia, N°. 1 (1919). [Cmd. 300]).

On August 18th, at a dinner given to H. H. FIRUZ MIRZA, Minister for Foreign Affairs of Persia, Lord CURZON, who presided, expressed himself more clearly ; he said emphatically, and on behalf of the British Government, that both the British Government, and the Persian Government, accepted unreservedly Arts. X and XX of the Covenant. When the Treaty of Peace was ratified, and as soon as the Council of the League of Nations came into effective existence, it was the intention of both Governments to communicate the agreement to the Council of the League, with a full explanation and defence of its conditions. The Persian Minister confirmed this statement and said :

"We will on both sides comply with our obligations as Members of the League of Nations in laying immediately before it the text of our Agreement".

MANDATES.

A communiqué of January 30th, 1919, states i. a. : ¹⁾

"Exchange of views continued on the German colonies in the Pacific and in Africa in the presence of their representatives of the dominions, and M. SIMON, the French Minister of the Colonies, and of the Marquis SALUAGO RAGGOI. In the afternoon satisfactory provisional arrangements were reached for dealing with the German colonies and the occupied territory in Turkey Asia."

Some days after the adoption of the Covenant, on April 28th, which in its article XXII introduces the mandatory system, a first decision as to the former German colonies was taken. The communiqué of May 7th reads : ²⁾

"The Council of Three — M. CLEMENCEAU, President WILSON, and Mr. LLOYD GEORGE — decided, on May 6, as to the disposition of the former German Colonies, as follows :

Togoland and Cameroon. — France and Great Britain shall make a joint recommendation to the League of Nations as to their future.

German East Africa. — The mandate shall be held by Great Britain.

German South-West Africa. — The mandate shall be held by the Union of South Africa.

¹⁾ "Advocate for Peace", for February, 1919, p. 52.

²⁾ "League of Nations Journal", for June, 1919, p. 206.

German Samoan Islands. — The mandate shall be held by New-Zealand.

Other Pacific Possessions. — *Those South of the Equator* (excluding the German Samoan Islands and Naura). The mandate shall be held by Australia.

Naura. — The mandate shall be given to the British Empire.

Islands North of the Equator. — The mandate shall be held by Japan.”

Further details as to the general principle of Art. XXII, are given in Arts. 119—127, Section I of the Part IV of the Peace Treaty with Germany.¹⁾

The Commission on Mandates, instituted by the Council of Four, requested the Anti-Slavery and Aborigines' Protection Society to draw up a model mandate.²⁾ The “League of Nations Journal” for August, 1919 stated that this Committee had been sitting in London and had practically concluded its labours.

The communiqué of the Supreme Council of December 24th, 1919, again deals with the question of mandates; it emphasizes the distinction between three different classes of mandates, according to Art. XXII and reads partly as follows:³⁾

„Le Conseil suprême, en présence de M. HENRY SIMON, ministre des colonies, a discuté alors diverses conventions instituant des mandats sur d'anciennes colonies allemandes. Ces conventions, qui sont au nombre de sept, ont été préparées par la commission qui a siégé récemment à Londres.

On sait que les mandats prévus par le Pacte de la Société des nations se classent en trois catégories.⁴⁾ Les mandats *A* sont ceux qui s'appliquent aux territoires de l'ancien empire ottoman, et ils ne sont pas en question pour le moment. Les mandats *B* s'appliquent à d'anciennes colonies allemandes qui doivent être administrées par une puissance alliée sous le contrôle de la Société des nations. Les mandats *C*, enfin, s'appliquent à d'anciennes colonies allemandes qui sont incorporées aux pays limitrophes, pays qui dépendent de l'une des puissances alliées.

Le Conseil suprême a approuvé les conventions qui ont été conclues pour l'application, des mandats *B* sur le territoire de l'ancienne colonie allemande de l'est-africain. On se souvient qu'une partie de cette colonie

¹⁾ Some additional stipulations are found in Arts. 257 and 312.

²⁾ The memorandum drawn up by this Society was published in the “International Review”, or October, 1919, p. 203.

³⁾ “Le Temps”, December 25th, 1919.

⁴⁾ Cf. „Mandates” by REGINALD BERKELEY in “The Covenant”, for October, 1919, p. 33.

doit être administrée par la Grande-Bretagne et l'autre partie par la Belgique.

Quant aux conventions relatives aux mandats C, leur approbation a été ajournée par le Conseil suprême, parce qu'elles n'avaient réuni que l'adhésion de trois grandes puissances alliées sur quatre.

Le gouvernement japonais réserve son assentiment, parce qu'il considère que l'application des mandats C à certaines îles de l'océan Pacifique entraîne un désavantage pour ses ressortissants. Tant que ces îles étaient soumises à la souveraineté allemande, les ressortissants japonais pouvaient s'y établir, en vertu d'accords conclus entre l'Allemagne et le Japon. Si les mêmes îles se trouvent maintenant incorporées à un „Dominion” britannique, les lois qui prohibent l'immigration japonnaise y seront mises en vigueur, et les ressortissants japonais perdront l'avantage qui leur était précédemment assuré. C'est dans ces conditions que le Gouvernement du Japon a réservé son adhésion et que le Conseil suprême a sursis à statuer."

As far as we know, the seven conventions mentioned above, have not yet been published.

The "Manchester Guardian" of August 23rd, states that the actual distribution of mandates had been initiated in a series of private agreements, of which, up to that date, two were known to exist, viz. one concluded between Great Britain and France, the other, between Great Britain and Belgium.

The Anglo-Belgian agreement, which was approved by the Supreme Council on August 21st, 1919, transfers to Belgium the mandate over the provinces Ruanda and Urundi which formed part of German East Africa.¹⁾

The Anglo-French agreement deals with the dividing up of the mandate to administer Togoland and the Cameroons between France and England.²⁾

THE RED CROSS.

As President WILSON stated in his speech on April 28th, 1919, the Red Cross is specifically mentioned in art. XXV of the Covenant, as being one of the international organizations to join its work with that of the League. On April 2nd, 1919, fifty leading scientists

¹⁾ This agreement was communicated to the Belgian Senate, by M. VAN DEN HEUVEL, on August 26th, 1919.

²⁾ "League of Nations Journal", for August, 1919, p. 281, and the "Times", January 21st, 1920.

and business men of the United States, Great Britain, France, Italy and Japan, met at Cannes (France) as representatives of national Red Cross organizations. The motives that brought this Congress together, may be deduced from the contents of a memorandum by Mr. HENRY P. DAVISON issued on February 21st, 1919. ¹⁾

On May 6th, 1919, a League of Red Cross Societies was organized at Paris, founded by the Red Cross Societies of the five Principal Allied and Associated Powers. Other Red Cross Societies were invited to become members. ²⁾ Mr. DAVID HENDERSON, on September 22nd, stated that the Societies of the following countries had adhered: ³⁾

Argentina	Japan
Australia	New Zealand
Belgium	Norway
Brazil	Peru
Canada	Portugal
China	Roumania
Cuba	Serbia
Denmark	South Africa
France	Spain
Great Britain	Sweden
Greece	United States
Holland	Venezuela
India	
Italy	

The first meeting of the General Council of this League was held at Geneva from March 2nd—9th, 1920. The admission of the Central Powers into the League was discussed, and it was resolved to defer the settlement of that matter until the constitution of the full board of governors.

OTHER PEACE TIME ACTIVITIES OF THE LEAGUE. ⁴⁾

Some Commissions, at the Peace Conference, have done work that may be regarded as preliminary to what will have to be done by the League of Nations in peace time, according to Arts. XXIII and XXIV.

We mention in the first place, the Commission on the international control of Ports, Waterways and Railways. On October 24th, 1919,

¹⁾ "Advocate of Peace", for April, 1919, p. 118.

²⁾ "League of Nations Journal", for June, 1919, p. 209, and "Advocate of Peace", for May, 1919, p. 158. This latter article contains a letter from President WILSON to Mr. DAVISON.

³⁾ "Westminster Gazette", September 23rd, 1919.

⁴⁾ See also the clauses in the Peace Treaties dealing with the League of Nations p. 155 and the resolutions passed by the meetings of the Council of the League, p. 255.

the Dutch Secretary for Foreign Affairs published in the Dutch press the following communiqué :

"The French Government has communicated, through the intermediary of the Dutch Minister at Paris, that the French Government deems it desirable to co-ordinate the preliminary work undertaken by certain Commissions of the Peace Conference, and the task of the League of Nations as soon as that body comes into force.

The French Government is of opinion that this is especially necessary for the work of the International Commission for Ports, Waterways, and Railways. This Commission has been engaged in drafting a set of regulations capable of forming the basis of an eventual system for the liberty of traffic contemplated in Article XXIII of the Covenant of the League of Nations.

Therefore the French Government invites the Dutch Government to appoint delegates to the Conference which will shortly be opened at Paris.

The Dutch Government has accepted the invitation, and has appointed as delegates Jonkheer LOUDON, Dutch Minister at Paris; Professor W. J. M. VAN EYSINGA, Dutch Commissioner for the Navigation of the Rhine; and M. A. G. KRÖLLER, member of the Council for Economic Affairs of the Ministry of Foreign Affairs.

It will depend upon the nature of the negotiations whether the delegation will be supplemented with technical advisers."

We have found no report of the above Conference in the press. Only an official statement issued by the Dutch Government on January 12th, 1920, announces that the discussions of this Conference had been reopened.

One of the special commissions appointed at Paris, to advise the Supreme Council, was one dealing with air navigation. This Commission agreed upon a Convention relating to International Air Navigation, as indicated in Art. 319, of the Peace Treaty with Germany, of which the full text was published in the British press on July 23rd, 1919.¹⁾ The Convention, which was approved by the Supreme Council on September 10th, 1919, and signed by 13 Allied Powers on October 13th, 1919, contains the following stipulation (Art. 35) :

"There shall be instituted, under the name of the International Commission for Air Navigation and as part of the organization of the League of Nations, a permanent Commission composed of :

¹⁾ Air Ministry, Convention relating to International Air Navigation. Presented to Parliament by Command of His Majesty. Published by His Majesty's Stationery Office, London 1919.

Two representatives of each of the following States: the United States of America, France, Italy and Japan;

One representative of Great Britain and one of each of the British Dominions and of India.

One representative of each of the other contracting States.

Each of the five States first named (Great Britain, the British Dominions and India counting for this purpose as one State) shall have the least whole number of votes which, when multiplied by five, will give a product exceeding by at least one vote the total number of votes of all the other contracting States.

All the States other than the five first-named shall each have one vote.

The International Commission for Air Navigation shall determine the rules of its own procedure and the place of its permanent seat, but it shall be free to meet in such places as it may deem convenient. Its first meeting shall take place at Paris. This meeting shall be convened by the French Government, as soon as a majority of the signatory States shall have notified to it their ratification of the present Convention."

The Convention refers to the League of Nations and its Permanent Court of International Justice in Art. 38 which reads as follows:

"In the case of a disagreement of two or more States relating to the interpretation of the present Convention, the question in dispute shall be determined by the Permanent Court of International Justice to be established by the League of Nations and until its establishment by arbitration.

If the parties do not agree on the choice of the arbitrators they shall proceed as follows:

Each of the parties shall name an arbitrator, and the two arbitrators shall meet to name a third. If the arbitrators cannot agree, the parties shall each name a third State, and the third States so named shall proceed to designate the third arbitrator, by agreement or by each proposing a name and then determining by lot the choice between the two.

In case of the disagreement of two or more contracting States relating to one of the technical regulations annexed to the present Convention, the point in dispute shall be determined by the decision of the International Commission for Air Navigation by a majority of votes.

¹⁾ The question as to the way in which this Commission will be constituted was submitted for discussion to the Conference which took place at Copenhagen, on December 9th, 1919, between representatives of the Dutch, Scandinavian and Swiss Governments.

In case the difference involves the question whether the interpretation of the Convention or that of a regulation is concerned final decision shall be made by arbitration as provided in the first paragraph of this Article."

Adherence to the Convention is connected in some measure with membership of the League of Nations, as appears from the following articles :¹⁾

"Art. 43. The States which have not taken part in the present war shall be admitted to adhere to the present Convention upon their simple declaration notified to the Ministry of Foreign Affairs of the French Republic, which shall inform the contracting States of such adherence.

Art. 44. Any State which took part in the present war, but which did not take part in the negotiation of this Convention, may express its desire to adhere to this Convention and may be admitted to adhere to it, if such State is a member of the League of Nations or until January 1, 1923, by a unanimous vote of the signatory and adhering states or, after January 1, 1923, by an affirmative vote comprising at least three-fourths of the total possible votes of the Signatory and adhering States, the votes of the different States having the same weight as that provided by art. 35 of this Convention for the International Commission for Air Navigation."

On August 14th and 15th, 1919²⁾), a Conference was held in London which had been arranged by the Secretariat of the League, in order that there might be a preliminary and informative discussion with the representatives of the International Institute of Agriculture at Rome, and of the Permanent Bureau of Statistics, at The Hague. The main subject of discussion was how the bodies mentioned, could best co-operate with the provisional League with regard to the compilation of statistics.

Mr. J. A. SALTER, C.B., Director of the Economic and Financial Section of the Secretariat of the League of Nations, presided, and among those present, were Lord ROBERT CECIL, M. P., Sir ERIC DRUMMOND, Secretary General of the League; Sir ATHELSTANE BAINES, M. DRAGONI and M. PACCI, the General Secretary and the Chief Statistician of the Institute of Agriculture, Rome; Sir HENRY REW, K. C. B., Treasurer of the International Institute

¹⁾ Cf. Art. 320 of the Peace Treaty with Germany.

²⁾ "Times", August 15th, 1919.

of Statistics; Sir ALFRED BATEMAN; Sir THOMAS ELLIOTT, Bt., British Delegate, International Institute of Agriculture; and M. RICCI, of the Institute at Rome.¹⁾

On September 10th, 1919, the Allied Delegates at the Peace Conference, signed a Convention regulating traffic in arms and munitions.²⁾ In the Preamble, it is stipulated that the Convention will be reconsidered after seven years, if the Council of the League, acting, if need be, by a majority, expresses the wish for such revision.

According to this Convention, an International Bureau will be instituted under the auspices of the League, by which all information with regard to this matter will be collected (Art. 5). In certain cases the consent of the Council of the League is required for the granting of an authority for transit (Art. 10).

All other Members of the League of Nations are invited to adhere to this Convention (Art. 22), and all disputes concerning the interpretation of the Convention will be submitted to an arbitral Tribunal, in accordance with the stipulations of the Covenant (Art. 24).

At the same date, another Convention was signed by the Allied Delegates at Paris regulating the sale of spirituous liquors in Africa.³⁾ This Convention also institutes an International Bureau, under the auspices of the League (Art. 7), to which all information has to be sent, and it is also stipulated that in the case of a disagreement, the dispute shall be submitted to an arbitral Tribunal in accordance with the stipulations of the Covenant (Art. 8).

At the meeting of the Supreme Economic Council at Rome, on November 23rd, 1919, the question of the relations of the Council to the League of Nations, was discussed. According to the "Manchester Guardian," of November 25th, 1919, Mr. SALTER, representative of the League of Nations, proposed that the Council should continue its activities until its transformation into a new Economic Bureau under the auspices of the League.

¹⁾ "Times", August 15th, 1919.

²⁾ Bulletin of the "International Intermediary Institute", for January 1920, p. 159.

³⁾ Bulletin of the "International Intermediary Institute", for January 1920, p. 181.

The Supreme Council, at its meeting of February 24th, 1920, in London, entrusted to the League the conduct and supervision of an inquiry in Russia. The Allied Powers agreed to the policy set forth in an official Memorandum which ends as follows : ¹⁾

"Furthermore, the Allies agree in the belief that it is highly desirable to obtain impartial and authoritative information regarding the conditions now prevailing in Russia.

They have, therefore, noted with satisfaction the proposal before the International Labour Bureau, which is a branch of the League of Nations to send a commission of investigation to Russia to examine the facts.

They think, however, that this inquiry would be invested with even greater authority and with superior chances of success if it were made upon the initiative and conducted under the supervision of the Council of the League of Nations itself, and they invite that body to take action in this direction."

Voluntary organizations made a great number of suggestions as to work that might be usefully performed by the League of Nations' Secretariat itself, and concerning institutes that might be created as parts of the organization of the League of Nations.

The International Trade Conference at Atlantic City, on October 21st, adopted a scheme for the formation of a permanent organization, which, in effect, would be a Business League of Nations, it being agreed that no nation would be allowed to belong to this Business League which was not a member of the League of Nations. ²⁾

The establishment of an International Institute of Commerce, was considered by the Commercial Committees of the Allied Parliaments. Sir HAMAR GREENWOOD, M. P., when addressing the Commercial Committee of the British House of Commons, suggested that this Institute should be brought to the notice of the officials of the League, and their advice sought as to the steps which should be taken to bring it about. ³⁾

We do not know whether anything has already been done by the Secretariat of the League itself, in order to make provision to secure, and maintain, freedom of communication and of transit, and equitable

¹⁾ This Memorandum which was read in both Houses of Parliament on February 24th, 1920, was published in full in the "Westminster Gazette", February 25th, 1920.

²⁾ "Times", October 22nd, 1919.

³⁾ "The League", for December, 1919, p. 103.

treatment for the commerce of all Members of the League, as prescribed in Article XXIII, sub e. It appears from Arts. 15 and 17 of the treaty with Poland, signed at Versailles on June 28th, 1919, that the Allied and Associated Powers intend to proceed to the conclusion, under the auspices of the League, of general agreements, on these matters.¹⁾

“The League” for November, 1919,²⁾ gives the following survey of suggestions that were sent in to the Secretariat of the League:

“(1) That the Assembly of the League should request the Powers to substitute for the title of Minister of War the title of Minister of Defence or National Defence; (2) that the League of Nations should possess its own flag and coat of arms; (3) an Education Bureau should be established: such a bureau would publish books on economic, political or social subjects, written in such a way as to foster international knowledge and friendship; (4) the creation of an International Order to be conferred by the League on those meriting special honour for inventions, discoveries, and other achievements beneficial to the whole world; (5) international co-ordination of higher education: a special aim would be to secure the ready passage of students from the universities of one nation to those of any other within the League; (6) the establishment of an International Library, with card indexes at the various national centres; in association with this would be a Research Bureau, enabling a student interested in any branch of research to ascertain readily the names and addresses of other students engaged in the same work and the details of work already done; (7) the co-ordination of the immense number of national and international organizations dealing with international questions ranging from wireless telegraphy, white slave traffic, opium traffic, and fisheries to the protection of wild birds and the eradication of pests.”

¹⁾ Art. 15: “Poland undertakes to make no treaty, convention, or arrangement, and to take no other action, which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States, that may be concluded *under the auspices of the League of Nations* within five years from the coming into force of the present treaty.”

Art. 17: “Pending the conclusion, *under the auspices of the League of Nations*, of a general convention to secure and maintain freedom of communications and of transit, Poland undertakes to accord freedom of transit of persons, goods, vessels, carriages, wagons, and mails in transit to or from any allied or associated State over Polish territory, including territorial waters, and to treat them at least as favorably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation, or ownership, as regards facilities, charges, restrictions, and all other matters.”

²⁾ p. 55.

PROTECTION OF MINORITIES.¹⁾

Although the "protection of minorities" is not mentioned by a single word, in the Covenant²⁾, this subject-matter was one of the functions of the League, which the Principal Allied and Associated Powers put into practice immediately.

This was done in the treaty with Poland, signed on June 28th, 1919, simultaneously with the Peace Treaty of Versailles and by virtue of Art. 93 of this Treaty. The object aimed at, in this treaty with Poland, was laid down in the Preamble in the following words :³⁾

"Considérant que les Puissances alliées et associées ont, par le succès de leurs armes, rendu à la Nation polonaise l'indépendance dont elle avait été injustement privée ;

Considérant que, par la proclamation du 30 mars 1917, le Gouvernement russe a consenti au rétablissement d'un Etat polonais indépendant ;

Que l'Etat polonais, exerçant actuellement, en fait, la souveraineté sur les parties de l'ancien Empire russe habitées en majorité par des Polonais, a déjà été reconnu par les Principales Puissances alliées et associées comme Etat souverain et indépendant ;

Considérant qu'en vertu du Traité de paix conclu avec l'Allemagne par les Puissances alliées et associées, Traité dont la Pologne est signataire, certains territoires de l'ancien Empire allemand seront incorporés dans le territoire de la Pologne ;

Qu'aux termes dudit Traité de Paix les limites de la Pologne qui n'y sont pas encore fixées doivent être ultérieurement déterminées par les Principales Puissances alliées et associées ;

Les Etats-Unis d'Amérique, l'Empire britannique, la France, l'Italie et le Japon, d'une part, confirmant leur reconnaissance de l'Etat polonais, constitué dans lesdites limites, comme membre de la famille des

¹⁾ For the protection of minorities in Austria, see Chapter II where the clauses inserted in the Peace Treaty with Austria having reference to the League of Nations are treated, p. 165 and the Austrian counter-proposals of August 6th, 1919 (Bericht über die Tätigkeit der deutsch-österreichischen Friedensdelegation in St. Germain-en-Laye Bd. II, p. 118). See also the reply of the Allied and Associated Powers of June 16th, 1919, to the German counterproposals, sub III, p. 137.

²⁾ Cf. Supplementary Agreement VI of the American Draft, p. 81.

³⁾ The French text will be found in extenso in the Bulletin of the "International Intermediary Institute", for October, 1919, p. 531; the English text in "International Conciliation", for August, 1919, p. 924.

Nations, souverain et indépendant, et soucieux d'assurer l'exécution de l'article 93 dudit Traité de Paix avec l'Allemagne;

La Pologne, d'autre part, désirant conformer ses institutions aux principes de liberté et de justice, et en donner une sûre garantie à tous les habitants des territoires sur lesquels elle a assumé la souveraineté;

A cet effet, les Hautes Parties Contractantes, représentées comme il suit, etc.

Ont, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, convenu des stipulations suivantes."

After having determined, in some articles, the rights of all the Polish nationalities, and having stipulated that all shall enjoy the same civil and political rights, without distinction of birth, nationality, language, race, or religion, Art. 12 establishes the connection between these stipulations and the League of Nations :

"Poland agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, religious, or linguistic minorities, constitute obligations of international concern, and shall be placed under the guaranty of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy, and Japan hereby agree not to withhold their assent from any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action¹⁾ and give such direction as it may deem proper and effective in the circumstances.

Poland further agrees that any difference of opinion as to question of law or fact arising out of these articles, between the Polish Government and any of the Principal Allied and Associated powers, or any other power a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article XIV of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereof demands, be referred to the Permanent Court of International Justice. The decision

¹⁾ The French text reads "procéder de telle façon". "Le Temps", October 25th, 1919, in its „Bulletin du Jour”, observes the act that the treaty with the Serb-Kroat-Slovene State, says prendre telles mesures". The latter Government considers the expression used in the treaty with Poland as being "plus bénigne".

of the Permanent Court shall be final and shall have the same force and effect as an award under Article XIII of the Covenant."

On August 7th, the Supreme Council approved the drafts of the treaties, similar to that concluded with Poland, guaranteeing the rights of the minorities in Roumania and in Czechoslovakia.¹⁾ On September 10th, at the same time as the Peace Treaty with Austria, the treaty with Czechoslovakia was signed.²⁾ The Convention prepared for the Yugo-Slav State was signed by the delegates of the Principal Allied and Associated Powers in spite of the absence of the delegates of the Yugo-Slavs.³⁾ On the other hand, that prepared for Roumania was not signed by the delegates of the Principal Allied and Associated Powers, the Roumanian delegates being also absent.

For some months, because of the stipulations in the Peace Treaty with Austria concerning the protection of minorities, the Yugo-Slav State and Roumania, objected to the signing of the Treaty of St. Germain. The Roumanian Government's point of view appears i. a. from the note sent by the Roumanian delegation on September 8th, 1919, to the Supreme Council of the Allies. This note reads as follows :

"La délégation roumaine a l'honneur de porter à la connaissance de la Conférence de la paix que, désirant témoigner toute sa solidarité avec les alliés, elle est prête à signer le texte du traité présenté aux délégués autrichiens, malgré que plusieurs des justes demandes de la Roumanie aient été écartées de ce texte, mais qu'elle ne pourrait souscrire à l'article 60 de ce traité dont les termes actuels portent atteinte à la souveraineté de l'Etat roumain et à son indépendance politique et économique, qui sont directement mises en question.

La délégation roumaine a donc l'honneur de prier la Conférence de la paix de vouloir bien admettre que la déclaration suivante soit considérée comme faisant corps avec ledit traité :

¹⁾ These minority treaties are cited in the Peace Treaties, in the articles quoted below:
that for Poland (Treaty with Germany Art. 93)
that for the Czechoslovak State (Treaty with Germany Art. 86)
that for Roumania (Treaty with Austria Art. 60)
that for the Yugo-Slav State (Treaty with Austria Art. 51).

²⁾ The French text is published in extenso in the Bulletin of the "International Intermediary Institute", for January, 1920, p. 191. The English text is to be found in a White Paper, December 24th, 1919.

³⁾ See for the French text the above mentioned Bulletin, p. 186.

„La délégation roumaine en signant le traité de paix avec l'Autriche ne peut donner son adhésion à l'article 60 de ce traité relatif aux minorités, au transit, et au commerce.”

On behalf of M. BRATIANO, Prime Minister of Roumania, and first Roumanian delegate at the Conference, that delegation, on September 9th, sent a memorandum to the President of the Peace Conference, giving the reasons for Roumania's refusal to sign the Treaty with Austria. On this subject that memorandum is expressed in the following terms :

“.... Au point où en sont les travaux de la Conférence de la paix, la situation faite à la Roumanie ne répond pas à ses justes attentes. Après que le traité avec l'Allemagne ne lui a pas accordé les réparations en rapport avec ses pertes, le projet de traité avec l'Autriche lèse gravement, sur plusieurs points, ses droits et ses intérêts.

En effet, la Roumanie se voit poser par le traité, malgré ses protestations réitérées, l'obligation d'accepter d'avance les décisions que les grandes Puissances croiront devoir prendre sur des points qui intéressent la vie intérieure du pays par rapport au traitement des minorités, au transit et au commerce avec les autres Etats.

Cette stipulation est incompatible par la forme et le fond avec la dignité, la sécurité intérieure et les intérêts économiques d'un Etat souverain.

Le projet de traité que les grandes Puissances veulent imposer à la Roumanie, comme conséquence de l'engagement prévu dans le traité avec l'Autriche, établit pour elle un régime de contrôle et d'indépendance limitées qui ne correspond ni à sa situation intérieure, ni aux rapports internationaux normaux entre Etats souverains.

La situation créée à la Roumanie par les décisions et les projets de la Conférence de la paix peut se résumer ainsi :

10. L'article du projet de traité avec l'Autriche relatif à la garantie des droits des minorités et à l'égard du transit et du commerce prévoit dans sa forme une obligation qu'on saurait difficilement envisager à l'égard même d'un ennemi vaincu.

Loin d'en atténuer les effets, le projet de traité que les grandes Puissances veulent conclure avec la Roumanie contient des considérants relatifs à l'indépendance de cet Etat, dont le Gouvernement roumain ne peut prendre connaissance sans protester.

Les stipulations qu'il prescrit ne s'accordent pas non plus avec une indépendance dont le Gouvernement roumain ne saurait admettre la mise

en discussion et la limitation, ni de la part de Puissances signataires du traité de Berlin, ni de la part des autres grandes Puissances qui n'ont pas signé ce traité.

En 1916, la France, la Grande-Bretagne et l'Italie reconnaissaient à la Roumanie le droit de participer aux négociations de paix avec l'ennemi sur un pied d'égalité parfaite avec elles. (Article 6 du traité d'alliance signé à Bucarest, le 4/17 août 1916 : „La Roumanie jouira des mêmes droits que les alliés pour tout ce qui a trait aux préliminaires, aux négociations de la paix ainsi qu'à la discussion des questions qui seront soumises aux décisions de la Conférence de la paix.”)

En 1919, les mêmes grandes Puissances, par le traité qu'elles ont négocié avec l'Autriche, exigent que la Roumanie s'engage à admettre tout ce que, d'accord avec les Etats-Unis d'Amérique, elles jugeront nécessaire de lui imposer relativement aux minorités, au transit et au commerce.

La contradiction entre ces deux traitements est trop grande pour que le Gouvernement roumain puisse perdre l'espoir de voir reconnaître son bon droit.

Le Gouvernement roumain ne peut concevoir que son action politique et militaire à côté des alliés, à la suite de leur demande ait autorisé à remettre en discussion son indépendance quarante ans après que la signature du traité de Berlin l'avait formellement et définitivement reconnue.

D'ailleurs, ces stipulations, dans leur résultat pratique, n'ajoutent rien aux droits légitimes des minorités que la Roumanie a déjà assurés de la manière la plus large et la plus équitable. La délégation roumaine, par ses notes des 27 et 31 mai 1919, a déclaré être prête :

A insérer dans le projet de traité à l'article 5, partie 3, section 4, le texte suivant : „La Roumanie accorde à toutes les minorités de langue et de religion qui habitent à l'intérieur de ses nouvelles frontières, des droits égaux à ceux appartenant aux autres citoyens roumains.”

Ainsi qu'à accepter d'une manière générale toutes dispositions que tous les Etats faisant partie de la Ligue des nations admettraient sur leur propre territoire en cette matière.

Le Gouvernement roumain espère qu'un sentiment d'amitié, naturellement imposé par tant de sang versé en commun, un sentiment de justice dicté par les principes qui doivent dominer l'œuvre de la Conférence, feront respecter l'indépendance d'un Etat libre et empêcheront de constituer à son détriment un ferment d'agitations incessantes que des interventions ennemis ne se feront pas faute de développer, et qui menaceront la sécurité politique et le développement économique de la Roumanie.

Dans un sentiment de solidarité et pour affirmer une fois de plus le prix qu'elle attache à maintenir intacts les liens qui l'unissent aux Puis-

sances alliées et associées, la délégation roumaine, alors même que les intérêts de la Roumanie n'avaient pas été suffisamment sauvegardés dans le traité avec l'Allemagne, l'a signé sans aucune réserve.

Le Gouvernement roumain se voit obligé de déclarer que, pour les considérations précitées, il ne lui est pas possible d'adhérer à certaines clauses insérées dans le traité avec l'Autriche, et ne peut signer celui-ci, si le Conseil suprême ne croit pas devoir revenir sur les stipulations qui portent atteinte à la dignité et aux intérêts du pays.¹⁾

As a consequence of a further exchange of notes, between the Supreme Council and the Government at Bucarest, the Entente sent another note on October 12th. This document, that was published simultaneously with the telegram of November 3rd, mentioned below, contains, i. a. the following passage:²⁾

„Les Puissances alliées représentées au Conseil suprême sont absolument unanimes à vouloir maintenir le principe qui est à la base du traité des minorités. Elles estiment que ce principe est un des éléments essentiels susceptibles d'écartier à l'avenir les causes de guerre et leur intention est de le respecter dans son intégrité. C'est ce principe qui inspire entièrement l'esprit grâce auquel le monde a été amené à accepter le système d'une Société des nations et on ne saurait y renoncer. En ce qui concerne la Roumanie, ce principe trouve son expression dans l'article 60 du traité avec l'Autriche en dans l'article 13 du projet de traité des minorités qui a été soumis au gouvernement roumain.

Le Conseil suprême a le sentiment que ces deux articles ont peut-être été mal interprétés en Roumanie. Aux yeux du Conseil suprême, il n'y a rien là qui puisse porter atteinte à l'indépendance de la Roumanie. Tout ce qu'on lui demande, comme à d'autres Etats dans lesquels la guerre a également amené de profondes modifications dans l'étendue et le caractère de leurs possessions, c'est de se soumettre aux obligations qu'impose à l'égard de la Société des nations, le titre de membre de cet organisme envers lequel elle s'est déjà engagée.

Mais dès que le Conseil suprême aura appris que le Gouvernement roumain est prêt à signer sans réserves le traité avec l'Autriche, il sera, de son côté, très heureux d'examiner de concert avec la Roumanie toutes modifications des clauses intéressant particulièrement la Roumanie qui

¹⁾ The obligations imposed upon Roumania were defended, i. a. in an article in the "Westminster Gazette", September 12th, entitled "Roumania and the Minority-Treaties" by Diplomaticus.

²⁾ Both documents are published in "Le Temps", November 5th, 1919. "The International Review", for December, 1919 gives an English translation (p. 342) and comments upon the whole question (p. 300).

n'entameraient pas le principe général en vue de donner, s'il est possible, satisfaction au Gouvernement roumain.

Au cours de la préparation du texte de ceux des traités des minorités, qui, intéressent d'autres Puissances, le Conseil suprême a bénéficié, fort heureusement pour les deux parties, de la collaboration des représentants de ces Puissances.

Le Gouvernement roumain a refusé, jusqu'à présent, une collaboration de cette nature. Le Conseil suprême n'en espère pas moins que, si le Gouvernement roumain consent aujourd'hui à discuter avec lui les clauses du traité, il sera possible d'arriver à un résultat aussi satisfaisant.

Enfin, le Conseil suprême a confiance que les alliés roumains lui feront connaître, sans délai, leurs décisions à ce sujet. Il est indispensable, pour remplir les conditions nécessaires à la paix, aussi bien que pour faire revivre et, pour rétablir l'activité économique de l'Europe, que les traités de paix avec les Puissances ennemis et les divers accords et conventions qui en découlent entrent immédiatement en vigueur."

In accordance with a decision of the Supreme Council, of November 3rd, a telegram was addressed by each of the Ministers for Foreign Affairs of the Principal Allied Powers, to their representatives at Bucarest, and after some other notes had been exchanged between the Supreme Council and the Roumanian Government, on December 10th, General COANDA, Chief of the Roumanian Delegation, signed the various international documents which constitute Roumania's adhesion to the St. Germain Treaty, and its Annexes, as well as the Neuilly Treaty, with Bulgaria. He also signed the treaty protecting the rights of minorities in Roumanian territory.

Certain changes had been made in the latter : paragraphs 2 and 3 of the Preamble—alluding to engagements imposed on Roumania by the Treaty of Berlin—had been suppressed. In their place, a paragraph had been added recording that the treaty had been drawn up after consultation with Roumania. Arts. 9 and 10, had also been re-drafted.

The Yugo-Slav Government also raised objections to signing the Treaty of St. Germain, on account of the minority-treaty that was added to this. These objections will be found in a note addressed by the Yugo-Slav delegation to M. CLEMENCEAU on November 5th. „Le Temps", November 7th, gives the following summary :

„Le gouvernement yougo-slave déclare qu'il „n'a jamais contesté le principe général de cette convention." Il ajoute qu'il se range au point

de vue défini par la Conférence dans sa dernière note à la Roumanie : maintien du principe général qui est à la base de la convention et examen des modifications qui pourraient être apportées à ses clauses.

La délégation yougo-slave développe ensuite ces modifications, dont les principales sont celles que „Le Temps” a résumées dans son Bulletin du 25 octobre. En outre, la délégation demande qu'il soit bien entendu que la Société des nations n'interviendra pas dans les différends entre le Gouvernement yougo-slave et un particulier, et que toute contestation relative aux droits des minorités aura un caractère juridique. La délégation signale aussi une contradiction qui paraît exister entre l'article 3 de la convention et l'article 76 du traité de Saint-Germain. Enfin, la délégation conclut :

Au cas où des améliorations seraient éventuellement accordées à la Roumanie et à la Grèce en ce qui concerne le traité des minorités, nous demandons qu'il soit bien reconnu qu'elles seront applicables de plein droit aussi au royaume des Serbes, Croates et Slovènes. Une pareille assurance nous permettrait d'abréger sans hésitation la discussion de cette convention.”

After some further negotiation between the Yugo-Slav Government and the Supreme Council, the Peace Treaty of St. Germain was signed by the Yugo-Slav delegates on December 4th, together with the Treaty concluded between the Principal Allied and Associated Powers and the Yugo-Slav State for the guaranteeing of minorities.

CHAPTER VI.

CRITICISM ON THE COVENANT.

a. THE DRAFT COVENANT OF FEBRUARY 14th. ¹⁾

i. INTERALLIED LEAGUE OF NATIONS' CONFERENCE IN LONDON, MARCH 11TH—13TH, 1919. ²⁾

Resolutions.

1. That a new Article be added, namely:

The High Contracting Parties, realizing that religious discriminations give rise to internal dissatisfaction and unrest which militate against international concord, agree to secure and maintain in their respective countries, as well as in states and territories under the tutelage of other states acting as mandatories on behalf of the League, the free exercise of religion as well as freedom from civil and political discrimination because of adherence to any creed or religion not inconsistent with public order or with public morals.

2. This Congress of Delegates of the Allied Societies for a League of Nations welcomes most warmly the draft of the League of Nations Covenant, recognizing that it sets up an international organization capable of providing effective means of promoting international co-operation and maintaining international peace.

¹⁾ Between February 14th and April 28th, 1919 several associations of an international, and a national character, pronounced their opinion on the Draft Covenant.

²⁾ A similar Conference took place in Paris, from January 26th—February 3rd, 1919, which dealt with the principles of a League of Nations in general. The resolutions of both conferences have been published in a leaflet issued by the British League of Nations Union, entitled: "Proceedings of the Conferences of Delegates of Allied Societies for a League of Nations."

3. This Conference maintains its conviction that the true ideals of a League of Nations will not be fully attained until all civilized States are included therein, and earnestly hopes that this will be accomplished as soon as possible.

4. This Conference is of opinion that it would be advantageous if the following suggestions could be given effect to in the Covenant.

As the Body of Delegates is the only organ of the League in which all the States in the League will be represented, its status should be made more important and its powers more extensive. Its duties should include the consideration of international law, and of regulations governing matters of international concern.

5. In order to ensure close co-operation between the different organs of the League, it would be advisable to define more clearly the relationship between the Body of Delegates and the Executive Council, and, as an aid to their co-ordination, it is suggested that the representative of a State on the Executive Council should also be one of its representatives on the Body of Delegates.

6. The requirement of unanimity in the Body of Delegates and the Executive Council may result in rendering the League impotent at the will of even a single State. It is, therefore, expedient to provide some means for ensuring that the majority of the League shall not be debarred by the dissent of a small minority from acting on behalf of the League.

7. It would appear to be unnecessary to limit the competence of the Court of International Justice to the hearing of matters which the parties recognize as suitable for submission to it, as is proposed in Article XIV. It might be well to consider the extension of its functions so as to include the determination of:

- a) Any matter referred to it by the Body of Delegates or the Executive Council.
- b) Any question arising on the interpretation of the Covenant establishing the League.
- c) Any dispute which, with the approval of the Court and the Executive Council, either party to the dispute desires to refer to it.

8. It should be made clear, as a fundamental principle of the League, that no armed attack by one State in the League against another should be admissible except, at the instance of the League, for the purpose of giving effect to the obligation of the Covenant.

9. The provision in Article XXIII with respect to the publication of treaties entered into by a State member of the League is limited to future treaties. It would be well to extend this provision to all treaties in force at the date of the Covenant.

10. That there be substituted for Article VIII of the Covenant the following.

The High Contracting Parties recognize in principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with the execution of their international obligations in view of eventual common action, and with the national safety of each one of them, having special regard to its geographical situation and circumstances. The Executive Council shall formulate plans for effecting such a reduction, by determining for each power:

1. The maximum forces and armaments not to be exceeded.
2. The minimum limit of forces and armaments that it must hold available for eventual common action.

This plan, after having been submitted for examination by each of the Governments concerned, for their observations and modifications, will be submitted, if need be, to a meeting of the delegates of the High Contracting Parties.

The limits, when once adopted, shall not be exceeded without the authorization of the Executive Council.

The High Contracting Parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and undertake that they will not allow such munitions and implements to be manufactured on their territory except in State establishments or in private factories, authorized and controlled by the Government.

The High Contracting Parties resolve to make frank and full communication of the scale of their armaments and their military and naval programmes as well as of the condition of their industries susceptible of adaptation to warlike purposes, and agree that they will constitute a commission whose duty it shall be to ascertain and certify officially the necessary information.

11. That there be substituted for Article IX of the Covenant the following: A permanent organization will be instituted under the authority of the Executive Council to foresee and prepare in good time the military, naval and other measures necessary for ensuring the execution of the obligations that the present convention imposes upon the High Contracting Parties, and to ensure immediate efficacy in all cases of urgency.

12. That there be substituted for Article XII the following:

The High Contracting Parties agree that should disputes arise between them that cannot be adjusted by the ordinary processes of diplomacy, they will submit the questions and matters involved either to arbit-

tration or to enquiry by the Executive Council. They will in no case resort to war against any member of the League which complies with the award of the Arbitrators or with the recommendation of the Executive Council.

In any case under this Article, the award of the arbitrators shall be made within a reasonable time, and the recommendation of the Executive Council shall be made within six months after the submission of the dispute.

13. That in Article XIII the words "the Court of Arbitration to which the case is referred shall be the Court agreed on" be left out, and the following words inserted "the arbitral jurisdiction shall be that agreed on".

14. That there be substituted for Article XIV the following:

The Executive Council shall formulate plans for the establishment of a permanent Court of International Justice, and this Court shall, when established, be competent to hear and determine any matter which the parties agree to submit to it under the foregoing article.

15. That in the second paragraph of Article XV the words "the Council shall resolve upon the measures necessary to give effect to the recommendations" be substituted for the words "the Council shall propose the measures necessary to give effect to the recommendations".

16. That in the same article the words "the majority shall, and the minority may, issue statements" be substituted for the words "it shall be the duty of the majority and the privilege of the minority to issue statements".

17. That at the end of the same article the following words be added, "Recourse to the Body of Delegates shall be a matter of right if the Executive Council is unable to give a decision".

18. That there be substituted in Article XVI for the words "should any of the High Contracting Parties break or disregard its covenants under Article XII" the words should any of the High Contracting Parties not conform to its covenants under Articles VIII, XII, XIII or XV".

19. That there be substituted in the second paragraph of Article 16 for the words "military or naval force", the words "military, naval or other force".

20. That there be substituted in Article XIX for the words "and that securities for the performance of this trust should be embodied in the Constitution of the League", the words, "and it is necessary to introduce into the constitution of the League of Nations guarantees for carrying out this trust".

21. That there be substituted for Article XX the following:

The High Contracting Parties will establish by common regulations in their territory fair and humane conditions of labour for men, women, and children, and will arrange to extend them to the territories with which they are in commercial or industrial relationship under the sanction, if necessary, of tariffs, and even of prohibitive measures. For this purpose they will institute a periodic Labour Conference and a permanent Labour Bureau charged with seeing to the control of the execution of the measures taken by the Conference. The periodic Conference and the permanent Bureau shall form an integral part of the organization of the League of Nations.

22. That there be substituted for article XXI the following:

The High Contracting Parties agree that provision shall be made through the instrumentality of the League to secure and maintain freedom of transit and equitable treatment for the commerce and industry of all States members of the League, having in mind special arrangements with regard to the necessities of the regions devastated during the war, 1914—1918.

1) The High Contracting Parties agree that, by reason of the financial effects of the war having been felt so differently amongst the various nations, special measures should be concerted between them with a view to re-establishing equitable conditions in economic life and especially in the budget-charges after the war.

The High Contracting Parties agree that an international organization of production is necessary, and that it should be initiated by a statistical study of the needs of every nation.

2) It is advisable to establish an economic section of the League of Nations with the object of studying and realising in the interests of civilization great projects of economic enterprise of an international order.

23. That there be added to Article XXI the following:

Every State member of the League shall give complete protection to all legally acquired vested property rights of non-nationals.

24. That the Conference considers that the permanent Seat of the League should be determined by the Body of Delegates after the League has been formed.

25. That the League of Nations should be a permanent organization in which the legislative, judicial and executive powers are clearly established.

26. That the following words should be added to Article XXI, namely: "It is further agreed that the obtaining of privileges for financial enterprises by subjects of any one State member of the League in another such State shall not be supported by diplomatic action on the part of the government of the former State."

2. CENTRAL ORGANIZATION FOR A DURABLE PEACE.

*Telegram sent by the Dutch Group to the Peace Conference on March 11th, 1919.*¹⁾

Comité Groupe néerlandais „Organisation Centrale pour Paix durable” a constaté avec vive satisfaction que votre projet Pacte constitue premier pas vers réalisation Société des Nations. Cependant nous regrettons profondément que projet ait été arrêté à l'exclusion des neutres et désirons avant tout exprimer espoir admission neutres aux délibérations où constitution Société sera arrêtée définitivement.

Laissant de côté si cet espoir se réalisera ou non et vu que projet comme tout premier essai ne pouvait être autre chose qu'imparfait, voudrions recommander révision obligatoire Pacte avec collaboration générale après intervalle déterminé de mettons quatre ans en utilisant expérience acquise.

Nous permettons ensuite quelques observations et questions concernant texte projet présumant que dans protocole mentionné dans article VII — non encore publié — tous états civilisés ayant fait partie jusqu'ici de communauté internationale sont nommés comme états à inviter.

Regardons cette supposition comme écoulant inévitablement de notre conception de Société Nations comme institut de droit. En formulant les vœux ci-dessous avons également et avant tout essayé de faire ressortir point de vue du droit croyant ainsi nous inspirer de l'esprit de la conférence.

1e. Nous étonnons que compétences Assemblée Délégués et Conseil Exécutif ne soient désignées que vaguement dans projet. Cependant tout état avant adhérer voudra savoir si ces deux collèges pourront prendre décisions liant sans ratification les membres de Société.

2e. Il faudra non seulement déterminer plus nettement la compétence absolue des deux collèges, mais encore leurs relations *inter se* devront être établies dans le Pacte.

Si ces deux institutions doivent en effet pouvoir prendre décisions liantes serait dans intérêt des états non représentés dans Conseil Exécutif limiter sphère activité Conseil Exécutif et étendre celle Assemblée Délégués. Peut-être pourrait-on accorder à Assemblée Délégués certain contrôle sur Conseil Exécutif.

3e. Admettant que seulement la minorité des états pourra être représentée dans Conseil Exécutif jugeons indispensable que pour satisfaire au sentiment du droit on étende influence accordée aux petits états dans ce Conseil par exemple en augmentant nombre des membres de neuf à quinze.

¹⁾ Published in the Dutch Press on March 12th, 1919.

4e. Devrions notamment insister sur cette demande, si article XV chargeant Conseil Exécutif du règlement de différends insusceptibles à arbitrage restait inaltéré. Jugeons que Conseil Exécutif dont composition est influencée d'une façon si prépondérante par les proportions politiques dans domaine international ne se prête nullement aux fonctions conciliaires. Aussi vous prions avec empressement considérer institution organe spécial de conciliation tel qu'il figure dans tant d'autres projets Société Nations, organe fournissant par sa composition les plus hautes garanties d'indépendance et impartialité comme on en demande aux juges nationaux et internationaux.

5e. En vue réduction armements voudrions demander suivant. Partant d'idée que neutralité permanente dans sens suisse sera incompatible avec Société Nations mais que tout état jouissant prérogatives des membres de Société devra porter sa part dans les charges, nous tiendrions à savoir — vu que l'article XVI semble comporter que chaque état devra contribuer aux forces armées contre état rompant ses engagements — si à côté des limites ne pouvant être dépassées certain armement-minimum sera obligatoire pour chaque état. Avant d'adhérer petits états devront s'assurer qu'un tel arrangement ne pourra leur imposer des charges militaires trop lourdes.

6e. Quant à révision Pacte jugeons que celle-ci devrait être facilitée. Estimons contraire au développement Droit International réclamé universellement que neuf états aient compétence empêcher chacun individuellement une révision par leur véto. Selon article XXVI révision Pacte semble liante même pour ceux des états ne ratifiant pas révision. Dans ce cas correctif sous forme de révocabilité de la qualité de Membre de Société serait indispensable.

Concluant nous estimons que lorsque Conférence désignera siège Société Nations la ville où réside Cour Permanente Arbitrage et où en 1899 et 1907 les premiers fondements organisations Droit International furent posés pourra faire valoir certains droits. Hollande serait fière de demeurer dans avenir centre de vie internationale juridique.

3. INTERNATIONAL LEAGUE OF NATIONS' CONFERENCE AT BERNE,
MARCH 6TH—13TH, 1919.

Telegram sent to the Peace Conference on March 17th, 1919. ¹⁾

La Conférence internationale pour la Société des Nations composée de délégués de 60 associations d'Angleterre, d'Italie, d'Allemagne, d'Autriche,

¹⁾ "The League of Nations — Der Völkerbund — La Société des Nations" No. 1, p. 48.

du Danemark, de Hollande, de Hongrie, de Suède, de Suisse, aidée par des personnalités de France, d'Amérique, de Russie, de Bulgarie, d'Esthonié, de Grèce, de l'Inde, de Lithuanie, de Macédoine, de Roumanie, de Turquie, d'Ukraine et de Zion,

Reconnaissant la supériorité du texte élaboré à Paris vis-à-vis de l'état d'anarchie internationale existant à ce jour,

Convaincue toutefois qu'il faut baser la constitution de la Société des Nations sur l'idée démocratique et qu'il faut exclure sans réserve la violence comme moyen à régler les litiges entre Etats,

Soumet à la Conférence de la paix les amendements suivants à apporter au projet élaboré à Paris, amendements qui lui paraissent importants pour le maintien d'une paix durable :

Ad art. I et II : Un parlement international élu par les peuples remplacera l'assemblée des délégués prévu par le texte parisien. Ce parlement permettrait aux mouvements internationaux de faire valoir leur influence et de tendre vers l'unité de l'humanité. Ce parlement exercera toutes les prérogatives du pouvoir législatif.

Chaque Etat sera constitué en district électoral et élira d'après le système proportionnel, autant de députés qu'il compte de millions d'hommes et de femmes au-dessus de 20 ans, sachant lire et écrire. Ce parlement sera appelé à développer le droit des gens, à remplir les tâches fixées par la Constitution de la Société des Nations et à pourvoir au règlement de toutes les questions politiques, économiques et morales en tant que ce règlement s'exercera au delà des frontières d'un Etat particulier.

Ad art. VII : La Société des Nations embrassera toutes les nations autonomes disposant d'institutions aptes à l'exécution des tâches fédérales. En cas de doute, le tribunal international soumettra son approbation au Conseil exécutif, qui statuera en dernier lieu, sur l'admission de la nation en question. Ce droit ne sera pas refusé au peuple juif, constitué sur une base démocratique. Le Saint-Siège sera admis à collaborer aux œuvres de la Société des Nations.

Ad art. XI à XV : Un tribunal international et un conseil international de conciliation seront créés. Leurs décisions seront obligatoires. Le tribunal statuera sur les litiges judiciaires, après préavis du conseil de conciliation, si les partis le décident. Le conseil de conciliation sera composé de personnalités distinguées par leur prestige international. Elles ne seront point appelées comme représentants d'Etat particuliers.

Ad art. III, IV et XVI : Le conseil de conciliation exercera les fonctions d'un conseil exécutif de la Société des Nations. Il prendra toutes les mesures nécessaires pour l'exécution de toutes les décisions prises par les organes

de la Société des Nations. Il soumettra des propositions au parlement international en vue de la nomination des ministres chargés de la direction des différents services administratifs internationaux.

Ces ministres seront responsables vis-à-vis du parlement international.

Ad art. VIII: La Société des Nations embrassant tous les Etats, procédera au désarmement total sur terre et sur mer et à l'abolition du service militaire obligatoire. Chaque Etat disposera seulement des troupes nécessaires pour le maintien de l'ordre intérieur. Il les recruterá d'après le système volontaire. La Société des Nations disposerait d'une force armée sur terre et sur mer pour empêcher toute violation de la paix. La fabrication des armements constituera un monopole des Etats et sera surveillée par les organes de la Société des Nations.

Ad art. XIX: L'administration de toutes les colonies (sauf celles dotées du self-government) sera surveillée par un office de la Société des Nations; celui-ci s'inspirera de devoirs moraux vis-à-vis des indigènes indiqués par l'art. XIX du texte parisien. Toutes les nations auront des droits égaux en matière coloniale, conformément au point 5 du programme de M. WILSON.

Art. XX: La convention internationale pour la protection des travailleurs sera complétée par une législation internationale empêchant le trafic des femmes et des enfants. Les Etats s'appliqueront à donner aux femmes l'égalité des droits politiques; la libre expression des convictions politiques, scientifiques et religieuses sera garantie à tous les citoyens des Etats réunis à la Société des Nations. Un bureau international sera créé, qui proposera l'éducation des peuples dans un sens pacifique; une académie morale aiderait à la génèse d'une conscience universelle de l'humanité.

Art. XXI: les tarifs douaniers et les monopoles destinés à favoriser les intérêts particuliers seront abolis. Le principe de la „porte ouverte” sera appliqué aux colonies.

Tous les membres de la Société des Nations auront les mêmes droits économiques, les richesses naturelles seront réparties d'une manière équitable. Un bureau, international sera créé pour surveiller l'exécution de ces dispositions. Tous les Etats et même les minorités nationales pourront adresser leur réclamations à cet office.

Art. XXVI: Pour modifier cette constitution, une majorité de trois quarts des voix au parlement international sera nécessaire.

Finalement, les droits des peuples de disposer d'eux-mêmes et la proportion nationale seront garantis par la constitution mondiale. Tous les litiges territoriaux seront tranchés en conformité avec le droit des peuples ci-dessus indiqué.

Le parlement international décidera dans chaque cas particulier, s'il

y a lieu de procéder à un plébiscite. Il aura lieu dans les plus petits districts, éventuellement dans chaque commune contestée. Le droit des unions nationales et notamment l'égalité de tous les hommes sans égard à leur nationalité sera sauvegardée.

Les minorités nationales embrassant au moins 100 personnes auront des droits d'autonomie morale et économique. Dans les pays à nationalités mixtes, le système de vote proportionnel sera appliqué, de même que pour la distribution proportionnelle des subventions publiques.

Si une minorité atteint le 20 % de la population, on tiendra compte de sa langue dans la promulgation des lois et dans l'administration publique. Des groupements avec 40 enfants auront droit à une école primaire. Le boycott pour raison nationale sera interdit. Tout cela sera garanti par la Société des Nations.

La conférence de Berne s'est inspirée des principes du président WILSON. Elle prie les gouvernements alliés et associés de prendre en considération les points de vue ci-dessus indiqués et d'amender dans ce sens le projet pour une Société des Nations.

4. INTERNATIONAL COUNCIL OF WOMEN AND CONFERENCE OF WOMEN SUFFRAGISTS OF THE ALLIED COUNTRIES AND THE UNITED STATES.¹⁾

I. The Position of Women on the Commissions and in the Permanent Secretariat.

Whereas the League of Nations is demanded by the masses of the people; and

Whereas its character, to be effective, should be democratic and representative; and

Whereas half the people of the world are women;

The International Council of Women and the Conference of Women Suffragists of the Allied Countries and the United States petition as follows:

That women be equally eligible with men to the Body of Delegates,

¹⁾ A joint deputation from the above organizations, was accorded the special privilege of being the only delegation received by the League of Nations' Commission, on April 10th. The deputation, which was introduced by the Marchioness of ABERDEEN and Temair, President of the "I. C. W.", wished to urge the inclusion of certain points in the Covenant on the Commission. President WILSON, as Chairman of the Commission, assured the Delegation that the Commission appreciated the merits of the suggestions. If all of them were not embodied in the Covenant, this was because it was deemed inadvisable to burden the League with a multitude of details before experience had shown of what it was capable. (The following is reprinted from the "Orgaan van den Nationalen Vrouwenraad van Nederland", for June, 1919.)

the Executive Council and the Permanent Secretariat and should be appointed to all the permanent Commissions on the same terms as men.

II. Morality.

Whereas certain countries still maintain laws and customs which practically keep their women in a state of slavery:

- a) That they decide the fate of children by promising them in marriage at an early age;
- b) By the toleration of either the openly-avowed or privately arranged sale of women; and

Whereas the countries represented at the Peace Conference must recognize not only the right of nations, but also of individual citizens; and

Whereas the special measures taken under pretext of public health or public safety with regard to women who are, or are suspected of being prostitutes, finally achieve the entire degradation of these unhappy creatures, are a danger to public health in creating a false feeling of security in a dissolute life, and are thus in themselves an incentive to disorder and immorality;

The International Council of Women and the Conference of Women Suffragists of the Allied Countries and the United States petition as follows:

1. To suppress the sale of women and children.
2. To respect and apply the principle of woman's liberty to dispose of herself in marriage.
3. To suppress the traffic in women, girls and children of both sexes, and its corollary, the licensed houses of ill-fame.

III. Suffrage.

Whereas the Peace Conference concerns the whole human race, as well women as men, and that from this Conference we trust there will issue the reign of lasting Peace and the recognition of the right of peoples to a free self-domination; and

Whereas no one can esteem himself authorized to speak in the name of the peoples so long as women, who constitute half the human race, are excluded from the political life of the nations; and

Whereas those women, who lack the suffrage, are without a voice in the Government of their country, and it is profoundly unjust that they can take no part in discussions which may issue in peace or war, decision determining a future of which they, without a share in the responsibility, must bear the consequences; and

Whereas, though not combatants, they play an essential part in war,

by giving their sons for the defence of their country, they furnish what may be called "human material"; and

Whereas, on the other hand, women have, during the war, shown the value of their work and their social activity; and

Whereas the participation of mothers and wives in the suffrage would be one of the best guarantees for future peace; and

Whereas the status of women has ever been recognized as the criterion of civilization and freedom in states;

The International Council of Women and the Conference of Women Suffragists of the Allied Countries and the United States petition as follows:

1. That the principle of Women's Suffrage be recognized by the Peace Conference and the League of Nations in order that it may be applied throughout the world as soon as the civilization and the democratic development of each state may permit.
2. That in any Referendum which may be taken to decide the nationality of a country, women shall, equally with men, be consulted as to the fate of their country.

I V. Education.

Whereas a League of Nations should not only be an instrument of Peace but also an instrument of civilization; and

Whereas for the maintenance of the League of Nations it is essential to teach children from an early age to understand its usefulness and its benefits and to respect its aims; and

Whereas the true freedom of men and women can only be gained by a liberal and democratic education, open to all citizens alike;

The International Council of Women and the Conference of Women Suffragists of the Allied Countries and the United States petition as follows:

That a provision be made in the Covenant of the League of Nations for an international Bureau of Education, the High Contracting Parties endeavouring to make the aims and methods of their educational systems consistent with the general principles underlying the League of Nations; and to this end agreeing to establish as part of the organization a permanent Bureau of Education.

V. Hygiene.

In view of the vital importance of questions of Hygiene and their bearing upon present world conditions,

The International Council of Women and the Conference of Women

Suffragists of the Allied Countries and the United States petition as follows :

That provision be made in the Covenant of the League of Nations for an International Bureau of Hygiene.

5. INTERNATIONAL SOCIALIST CONFERENCE AT AMSTERDAM, APRIL 26th—28th, 1919.¹⁾

Resolutions.

La Conférence enregistre que les gouvernements alliés ont présenté à l'attention des peuples un Pacte de Société des Nations contenant le premier germe d'une organisation méthodique d'un régime continu de paix.

Elle constate que l'adoption d'une charte de travail inspirée des revendications ouvrières prépare les bases pour un accord économique entre les nations.

Mais la Conférence considère qu'une Société des Nations ne pourra répondre à son objet qu'aux conditions suivantes :

1e. Si elle comprend dès son début sur la base des mêmes droits et devoirs, toutes les nations indépendantes qui accepteront les obligations du Pacte et dont les délégations auront été élues par leur Parlement ;

2e. Si elle dispose d'une autorité supersonationale chargée d'assurer le respect des engagements pris tant pour le traité de paix, que pour le fonctionnement de la Société des Nations.

Cette autorité sera également chargée d'établir les relations économiques de façon à arriver graduellement à la suppression de toutes les entraves légales du commerce international de la production et de la distribution mondiales ;

3e. Si elle prévoit dès maintenant des mesures d'interdiction d'armements nouveaux, de diminution progressive des armements existants et de contrôle des fabrications de guerre encore autorisées et si elle aboutit rapidement au désarmement total, sur terre et sur mer. En attendant que ce désarmement soit achevé, les forces armées dont la formation serait rendue nécessaire par la situation internationale, doivent être placées sous le contrôle de la Société des Nations tant pour ce qui concerne le nombre des effectifs que le système de recrutement afin d'éviter tout danger pour la démocratie ;

¹⁾ A similar conference had taken place at Berne, from February 3rd—8th, which dealt with the principles of the League of Nations in general. The following is reprinted from the "League of Nations — Der Völkerbund — La Société des Nations", No. 5, p. 184.

4e. Si toutes les nations qui composent la Société sont tenues à soumettre sans exception tous les conflits qui peuvent surgir au jugement de la Société des Nations en s'engageant à respecter sa décision et à ne pas recourir à la guerre en quelque cas que ce soit;

5e. Si pour atteindre ce but elle adopte une méthode de diplomatie ouverte, telle que le président WILSON vient de l'employer pour sa déclaration à l'égard du différend entre l'Italie et les Yougo-Slaves et qui donnerait garantie que les revendications des divers Etats seront résolues conformément à la justice de chaque cas particulier et dans l'unique but d'assurer la stabilité de la paix mondiale.

Ces conditions ne sont pas actuellement réalisées par les gouvernements alliés. La Conférence fait appel dès maintenant à l'action des travailleurs de tous les pays pour faire entendre leur protestation et pour que la Société des Nations s'organise sur des bases destinées à garantir la paix durable.

We mention below some pronouncements of other organizations of which, on account of lack of space, we cannot give the full text.

6. LIGUE DES DROITS DE L'HOMME ET DU CITOYEN.

*Resolution adopted by the "Congrès fédéral de la Gironde" on March 3rd, 1919.*¹⁾

7. INTERNATIONAL ARBITRATION LEAGUE.

*Memorandum to President WILSON, Mr. LLOYD GEORGE and other delegates of the Paris Conference of March 19th, 1919.*²⁾

8. UNION OF DEMOCRATIC CONTROL.

*Memorandum submitted to the British and American Delegation at Paris.*³⁾

9. INTERNATIONAL PEACE BUREAU AT BERNE.

*Appeal of the Committee to the Paris Conference, of April 18th, 1919.*⁴⁾

¹⁾ „Bulletin des Droits de l'Homme”, May 1st, 1919.

²⁾ „The Arbitrator”, for April, 1919.

³⁾ Supplement to the May issue of the “U. D. C.” 1919.

⁴⁾ „Le Mouvement Pacifiste”, for January/May, 1919.

b. THE COVENANT OF APRIL 28th.

I. INTERNATIONAL SOCIALIST CONFERENCE AT BERNE, ON MAY 12th, 1919.

Statement of the Committee of Action.¹⁾

The Committee draws the attention of the Socialist and Labour movements to the following points in particular :

I. The League of Nations in its final form retains all the objections taken to it at Berne and Amsterdam. It remains a League of Governments and Executives, and not of peoples and Parliaments. It does not compel its affiliated nations to renounce totally recourse to war by accepting its arbitrations and decisions. It also seems to be the instrument of a victorious coalition dominated by five Great Powers rather than an organ of international justice upon which all nations ought to find a place. Though the League of Nations as at present constituted may be the beginning of a methodical organization of a continuous reign of peace, the failure to include Germany and Russia must be righted as speedily as possible if the League is to be made effective for preventing war.

II. The limitations imposed upon German armaments are a necessary condition to that general disarmament which the Internationale has repeatedly declared to be the only hope of national security and peace, and which is made more imperative than ever by the creation of a large number of new small States. The mere limitation of the German army, however, need not weaken European militarism, and therefore the Internationale calls for a declaration that the Allies themselves propose to abandon their present militarist policy and reduce immediately their armaments on land and sea. Further, it must be noted that the settlement of frontiers for military reasons and the predominance of strategic considerations in certain of the provisions of the Treaty tend to perpetuate armaments.

V. The disposal of the German Colonies and the denial to Germany of a mandate under the League of Nations will be universally regarded as nothing more or less than Imperialism satisfying itself with the spoils of war.

¹⁾ "The League of Nations — Der Völkerbund — La Société des Nations", N°. 6, p. 210.

2. INTERNATIONAL WOMEN'S CONGRESS AT ZÜRICH, MAY 12th—17th, 1919.

Resolutions.¹⁾

Ce congrès estime que le progrès pacifique du monde ne peut être assuré que par l'établissement d'une Ligue des Nations qui reconnaîsse la communauté d'intérêts de l'Humanité, qui représente la volonté des peuples et qui favorise la coopération internationale. Il constate avec satisfaction que l'idée de la Ligue des Nations, tenue pour impraticable par la plupart des peuples à l'époque du Congrès des femmes à la Haye en 1915, est actuellement si généralement acceptée, qu'elle a été introduite dans les conditions de l'armistice du 11 novembre 1918 et agréée par les 28 Alliés et puissances associées d'une part et par l'Allemagne d'autre part. Mais le Congrès regrette que les Statuts de la Ligue, proposés par les Alliés et puissances associées ne s'accordent pas en tout avec les 14 points émis comme base des négociations actuelles, qu'ils contiennent certains articles contraires à son développement et qu'ils en aient omis d'autres, essentiels à la paix mondiale.

a). *Conditions essentielles omises dans les Statuts.*

Le Congrès déclare que pour être un véritable instrument de paix, capable de développement, plutôt qu'un énoncé de conditions tendant à engendrer la guerre, la Ligue des Nations devrait admettre certains principes fondamentaux omis dans les statuts actuels. Afin d'éviter des guerres futures il importe d'adopter immédiatement les conditions essentielles suivantes :

- a) Droit de libre admission dans la Ligue, dès sa fondation, à tout Etat désireux d'en faire partie et disposé à remplir les devoirs incombant à ses membres.
- b) Le nombre des nations comprises dans le corps exécutif ne sera pas inférieur à onze.
- c) Réduction immédiate des armements aux mêmes conditions pour tous les Etats membres de la Ligue.
- d) Abolition de la conscription dans tous les Etats adhérants à la Ligue.
- e) Adhésion au principe qui consacre le droit des peuples à disposer

¹⁾ Besides, the Peace Conference was urged to insert in the Peace Treaty a Women's Charter, consisting of 12 principles, which, in the opinion of the Congress, are well suited to guide the policy of the League of Nations. See "Résolutions du Congrès International des Femmes", p. 7.

d'eux-mêmes en ce qui concerne toutes les questions territoriales et nationales sanctionnées par des traités secrets, par le présent traité de paix ou par des traités postérieurs.

- f) Droit de toutes les nations alitées et peuples soumis au protectorat d'exposer directement à la Ligue des Nations le désir d'autonomie.
- g) Égale facilité pour toutes les Nations de se procurer librement les matières premières.
- h) Abrogation de toute convention régionale comme la „doctrine de Monroe” et tous autres engagements internationaux pour autant qu'ils sont incompatibles avec les Statuts de la Ligue.
- i) Possibilité d'amender plus facilement les Statuts.

b). *Adoption de certains principes indiqués dans les Statuts actuels.*

Le Congrès approuve la part faite dans les statuts de la Ligue à certains principes introduits dès sa fondation, mais il craint que ceux-ci ne puissent être mis en pratique sans que des conditions essentielles indiquées ci-dessous soient incluses.

Ces principes sont :

- a) Établissement de tribunaux (ou conseils) d'arbitrage et de conciliation.
- b) Abolition des traités secrets.
- c) Possibilité de reviser les traités devenus inapplicables et de modifier certaines conventions internationales dont l'existence pourrait menacer la paix du monde.
- d) Reconnaissance de la nécessité de réduire les armements et d'établir un contrôle public de leur fabrication.
- e) Abrogation de certaines obligations incompatibles avec les Statuts.
- f) Proclamation de: „la liberté de transit” et établissement d'égales facilités de commerce pour tous les membres de la Ligue.
- g) Institution, par la Ligue, de mesures internationales pour combattre les maladies et améliorer l'état de santé général.

c). *Principes additionnels destinés à renforcer la Ligue.*

Le Congrès estime que la Ligue deviendrait un moyen de paix beaucoup plus efficace, en adoptant, outre les principes essentiels, énumérés ci-dessus, les principes suivants omis dans les Statuts.

- a) Désarmement total (sur terre, sur mer, et dans l'air).
- b) Exécution des décisions de la Ligue sans pression militaire ni blocus alimentaire.
- c) Enregistrement et révision de tous les traités et engagements internationaux existants, dans un délai déterminé et abrogation de ceux qui ne seront pas enregistrés.

- d) Ratification nationale des traités faite exclusivement par un corps législatif élu.
- e) Election démocratique du pouvoir exécutif de la Ligue.
- f) Libre échange universel.
- g) Adoption d'un plan d'économie mondiale pour la production et la distribution au plus bas prix des denrées nécessaires à l'existence.
- h) Suppression de toute protection des gouvernements aux capitaux placés à l'étranger.
- i) Garantie de représentation et protection dans chaque nation des droits civils et politiques des minorités, y compris ceux de langue, religion et éducation.
- j) Nécessité de placer sous la protection de la Ligue toutes les races arriérées, actuellement sous la tutelle de nations plus avancées, les pouvoirs mandataires étant tenus de favoriser le développement et les possibilités d'autonomie de leurs pupilles.
- k) Liberté complète des communications et voyages.
- l) Abolition du travail des enfants.
- m) Accord entre les nations de la Ligue pour l'abolition de la censure politique.
- n) Introduction du suffrage égal et intégral et complète égalité politique, économique et sociale des femmes et des hommes.

d). Position des femmes dans la Ligue des Nations.

Le Congrès constate avec satisfaction la part faite aux femmes dans les propositions des puissances de l'Entente, prévoyant dans le projet des Statuts de la Ligue des Nations l'admission des femmes à toutes les positions «en rapport avec la Ligue» les rendant de ce fait éligibles aux assemblées, au Conseil exécutif et aux commissions qui s'y formeront. Le Congrès insiste pour que ces concessions soient explicitement stipulées dans les Statuts.

3. LEAGUE OF NATIONS UNION.

*From the Union's Objects, as revised on July 24th, 1919.*¹⁾

To advocate the full development of the League of Nations in accordance

¹⁾ "League of Nations Journal", for August, 1919, p. 299. As to the policy of the Union, see also the report on the Mansion House Meeting, on October 13th, 1919 (messages of the King and the Prime Minister, speeches made by Mr. ASQUITH, Lord ROBERT CECIL, M.P., Mr. J. R. CLYNES, M.P., and M. VENISELOS) in "The League", for November, 1919, p. 35. On February 4th, 1920, a statement of policy was adopted by the Executive Committee of the League of Nations Union, which was published in "The League", for February, 1920, p. 78.

with the original object of the Union so as to bring about such a world organization as will guarantee the freedom of nations, act as trustee and guardian of backward races and undeveloped territories, maintain international order, and finally liberate mankind from the curse of war.

Method of work.

- 1) Constant study of the actual working of the League and the promotion of any amendments in its constitution which may conduce to its progressive development and influence in the world.
- 2) Advocacy of the following specific points :
 - a) Immediate creation of the Permanent Court of International Justice.
 - b) Progressive limitation of armaments and the abolition of the system of conscription in all countries.
 - c) Development of international law :
 - d) Consideration of the necessary means for enforcing international order :
 - e) Development and extension of the System of "Mandate" :
 - f) Admission to the League of all peoples able and willing to observe its covenants ; and
 - g) Securing fuller representation of the peoples of the world on the organs of the League.

4. INTERNATIONAL SOCIALIST CONFERENCE AT LUCERNE, ON AUGUST 9th, 1919.

Resolution. ¹⁾

The Internationale declares that the present League of Nations has the appearance of being an organization of capitalist and bourgeois states. But it is the first effective international organ. But it is a germ of the juridical organization of the world destined to avoid resort to force for the solution of international disputes. The part which it will play will be more effective in the degree to which it is penetrated by socialism. In the same way as proletarian efforts tend to transform each capitalist State into a socialist State, so the International will endeavour to transform this International Bourgeois State formed by the capitalist nations into an international Socialist State.

Thus the League of Nations will the more successfully reach its aims when each nation forming a part of it is more and more permeated with the spirit of Democracy and Socialism.

¹⁾ "La Feuille", special English Edition, August 8th, 1919.

But profound modifications in the present League of Nations should be immediately brought about:

1. In order that the League of Nations may have real authority and that its decisions may be universally recognized, in order that it may not be merely an organ in the service of the great dominant nations, in short so that it may be in truth and fact a League of free Nations, equal in rights and in duties, it should include all peoples as they show by their democratic constitutions that they are capable of keeping their engagements.

2. The League of Nations is a League of Governments in which the peoples have no different voice. The constitution of the League should be modified in order to form a veritable "World Parliament".

3. The Covenant still maintains the right to make war. The Articles ought to be revised, so that none may be able to escape from the arbitrations of a normally constituted League of Nations, and so that rigorous sanctions may be established against peoples who violate engagements entered into.

4. The Covenant by failing to prohibit the private manufacture of armaments and to institute a genuinely international control of armaments, and by merely being content to control German armaments alone, will lead to the indefinite maintenance of these armaments.

The Covenant should be revised in the direction of total disarmament, the League of Nations should rigorously fix the maximum of armaments permitted to each nation, on land and sea, reducing them so far as possible. Consequently, the League of Nations should ask for the abridgement of the periods of military occupation.

5. In no respect whatever does the Covenant provide the organization for the international payment of war, debts, exchange, and the international supply of raw materials, commercial tonnage, and transport.

It is thus important that the Supreme Economic Council of the Allies should be transformed into an Economic Council of the League of Nations, just as a general Conference for the organization of Labour has been constituted and will meet at Washington.

This Council will be responsible for the rapid restoration of the economic life of the world, by eliminating protectionism, by organizing credit and the liquidation of war debts internationally. It should also hasten the disappearance of the old economic antagonisms, whose renewal would constitute a permanent menace of new conflicts and an obstacle to a real League of Nations.

5. INTERNATIONAL PEACE BUREAU AT BERNE.

*Resolution adopted by the Council, on September 2nd, 1919.*¹⁾

Considérant que, conformément à l'article V, troisième alinéa, du Pacte de la Société des Nations, «la première réunion de l'Assemblée... aura lieu sur la convocation du président des Etats-Unis d'Amérique»; qu'aux termes de l'article III «l'Assemblée connaît de toute question qui rentre dans la sphère d'activité de la Société ou qui affecte la paix du monde»; et que chaque nation peut compter trois représentants,

Le Conseil du Bureau international de la Paix émet le vœu :

- I. Que l'ordre du jour de l'Assemblée soit très large et comporte notamment la révision, prévue à son article XXVI, du Pacte de la Société des Nations.
- II. Que en vue de donner satisfaction, dans la mesure permise par le Pacte, au désir général de voir l'Assemblée des délégués comporter un caractère représentatif, les gouvernements ne désignent eux-mêmes qu'un seul représentant de leur pays, les deux autres étant élus dans la forme et par le collège que déterminera librement chaque parlement national.
- III. Que la prochaine révision du Pacte du 28 juin 1919 comporte notamment :
 - l'énonciation, dans le préambule, des buts et des principes sur lesquels la Société des Nations doit être constituée;
 - l'élaboration du Code international public;
 - l'absolue condamnation de la guerre;
 - l'obligation stricte de résoudre juridiquement les litiges internationaux qui ne pourraient être résolus à l'amiable;
 - le droit pour toutes les nations, de faire partie de la Société, à la seule condition qu'elles satisfassent aux exigences précises fixées dans le Pacte et semblables pour tous les membres;
 - la création de la Cour internationale de justice;
 - la suppression des armements nationaux et l'institution de l'armée et de la flotte internationales.
- IV. Que l'Assemblée des délégués détermine les lois organiques nécessaires, sur :
 - le mode de nomination démocratique et le fonctionnement des organes législatifs, exécutifs et judiciaires;
 - l'armée et la flotte internationales;
 - le régime économique et financier des nations et spécialement des nations belligérantes;

¹⁾ "Le Mouvement Pacifiste", for June/December, 1919, p. 47.

le régime colonial ;
l'hygiène.

V. Et que l'Assemblée des délégués et le Conseil mettent à l'étude le projet d'élection d'une Assemblée constituante de la Société des Nations, respectant l'égalité des droits pour les deux sexes et tendant à doter cette Société d'institutions conformes à la volonté populaire universelle.

6. SCANDINAVIAN INTERPARLIAMENTARY CONFERENCE AT STOCKHOLM,
SEPTEMBER 2nd—3rd, 1919.

Resolution. ¹⁾

La onzième réunion des délégués interparlementaires scandinaves se félicite grandement de la possibilité qui est fournie par ceux qui créent une Ligue des nations d'établir un nouveau régime international de justice, et d'organiser une coopération entre les nations pour les intérêts communs, tant moraux que sociaux ou économiques.

L'assemblée exprime l'espoir que la Ligue des nations, en établissant des institutions permanentes pour régler les différends internationaux, et en poursuivant la réduction des armements, préparera et développera les moyens susceptibles de provoquer la réunion de tous les Etats pour assurer cette paix durable qui importe tant aux plus hauts intérêts de l'humanité.

7. WORLD ALLIANCE FOR PROMOTING INTERNATIONAL FRIENDSHIP THROUGH
THE CHURCHES.

*Resolutions adopted at the Conference of the International
Committee at Wassenaar, October 1st—3rd, 1919.* ²⁾

Since the League of Nations has not realized its ideal and cannot fully achieve its purposes so long as any state remains outside, this Committee desires to record its conviction that the Council of the League should admit to membership every state that desires inclusion and accepts the Covenants of the League.

The Committee regards as vitally important the character of the mandates to be granted by the League of Nations for the administration or control of the backward or unorganized races of the world. Such mandates

¹⁾ „Le Temps”, September 9th, 1919.

²⁾ This resolution was handed to us by the Bureau of the Conference. A Dutch translation was published in: „Internationaal Christendom”, Vol. V No. 1, p. 20.

should above all embody the principle of trusteeship on behalf of the natives of the regions to be controlled or administered, involving their protection from exploitation in the interests of other and their preparation for self-government and co-operation in a universal society of free peoples.

The Committee trusts that the Council of the League of Nations will accept as a primary duty and an urgent necessity the vigilant guardianship of the cultural and religious rights of minorities in the case of territories transferred under the Treaties recently concluded or hereafter to be concluded.

The Committee urges that the League of Nations should, as soon as possible, devise means for securing equality of race treatment by all nations in the League.

The Committee urges the incorporation at an early date into the Covenant of the League of Nations of a clause guaranteeing freedom of religious belief.

8. INTERPARLIAMENTARY UNION.

*Resolution adopted by the Interparliamentary Council at Geneva
October 7th—8th, 1919.*¹⁾

Le Conseil interparlementaire, réuni pour la première fois après la guerre mondiale, salue avec la plus profonde satisfaction l'avènement de la Société des Nations, fondée par le Pacte de Paris du 28 avril 1919.

Expression de l'idée élevée d'une coopération de tous les peuples au service du travail pacifique et productif, la Société des Nations est appelée à garantir le monde contre le retour d'une guerre comme celle qui vient de dévaster l'Europe, et à assurer aux populations le bienfait d'un désarmement progressif.

Le Conseil qui voit avec le Président WILSON, dans la nouvelle organisation «le seul espoir de l'humanité», exprime la ferme confiance que l'Union interparlementaire voudra désormais tous ses efforts à l'affermissement et à l'évolution démocratique de la Société des Nations.

9. BRITISH LABOUR LEADERS.

*Manifesto.*²⁾

1. The late world-war has cost the combatant nations 7,000,000 in men killed, and 18,000,000 in men wounded or maimed, and about £ 40,000,000,000

¹⁾ Procès-Verbaux, p. 20. An English translation is published in "Advocate of Peace", for November, 1919, p. 334.

²⁾ This Manifesto was issued pursuant to a resolution proposed by Mr. Robert Williams, and

in money, has left Great Britain saddled with a vast debt of over £ 7,000,000,000 and has plunged Europe into industrial chaos. All this waste of life and wealth could have been avoided if there had only been a League of Nations before the war.

2. Peace has left many great questions unsettled in Eastern Europe and in the Far East which may produce another and yet greater war, even perhaps in our lifetime, if it be not prevented.

3. The next war, if it comes, will be far more terrible and destructive even than the late war, for it will begin with all the aerial and submarine fleets with which the late war left off, only the destructive forces will be infinitely greater. Such a new war will mean the destruction of European civilization, of European industry, and of the white working-man's standard of life.

4. The prospect of another and still greater war is one we must either prepare for by vaster armaments than ever, or prevent. The first alternative is unthinkable. There remains only prevention. Prevention is possible by the League of Nations to enforce peace. There is no other way.

5. The war has left behind it a situation of the utmost difficulty as regards finance, industry, and food for the nations, which can only be successfully met by "pooling" the resources of all the nations for the industrial recovery of the world.

6. As the standard of life is the main factor in the cost of production, it is vain to raise it in one nation if it remains low in another. For this purpose international machinery amongst the Governments of the nations is absolutely necessary, and the League of Nations, with its International Labour Office, should supply this need.

7. The League of Nations will not supplant the Labour "Internationale", but will supplement it. It will help to do amongst the Governments what the "Internationale" is seeking to do in the industrial world. The more powerfully Labour supports and is represented in the League of Nations, the more can each help the other. We need both the League of Nations and the Labour "Internationale". They are not rivals, but friends working in co-ordinated endeavour towards the same goal—Peace.

8. The League of Nations is the greatest experiment ever tried upon

passed on September 9th, 1919, at the British Trades Union Congress held in Glasgow, which resolution reads as follows:

"That this Congress, having been requested by the Parliamentary Committee to consider the matter of national propaganda in favour of the League of Nations, in conjunction with the Executive Committee of the Labour Party, do hereby instruct the Parliamentary Committee to co-operate in such propaganda to the fullest extent."

This Manifesto was published in the British newspapers, together with the names of the signatories, and was reproduced in "The League", for December, 1919, p. 76.

the earth. In its success lies the future hope of humanity. It can only succeed if it be a real League of Peoples, not merely a League of Governments. To this end it is necessary that every individual shall take an instructed and active interest, till he can say, "This is my League, through which I bring my influence to bear on international politics to insure peace and prevent war. It can only succeed if all sections of public opinion are firmly united behind it in the determination that it shall succeed."

9. The object of the League of Nations Union is thus to instruct and unite all sections of public opinion, both amongst manual workers and brain workers; and also to serve as a national channel for putting forward such amendments as time may prove necessary in the League of Nations constitution and machinery. The League of Nations Union should therefore be supported by every man and woman who has at heart the ensuring of peace, the prevention of a new and greater war, the industrial recovery of Europe, the improvement of the standard of life, the continuation of our civilization, and the progress of humanity.

10. INTERNATIONAL LEAGUE OF NATIONS' CONFERENCE AT BRUSSELS,
DECEMBER 1ST—3RD, 1919. ¹⁾

Resolutions. ²⁾

I.

En vue de pourvoir le plus promptement possible à la représentation des peuples, la Conférence exprime le vœu que chaque Société affiliée organise la propagande dans son pays et auprès de son Parlement pour que le mode de nomination des délégués nationaux à l'Assemblée de la Société des Nations soit le plus démocratique possible.

II.

Il est dans l'intérêt du bon fonctionnement de la Société des Nations, de faire le plus rapidement possible usage de la disposition contenue dans l'alinéa 2 de l'article IV du Pacte de Paris.

III.

La Conférence décide qu'un projet de Déclaration des droits et des devoirs des Nations sera rédigé par une Commission nommée par son

¹⁾ This Conference was a continuation of the Conferences held in Paris and London, in January and March, this time, however, associations from neutral countries were invited to attend the Conference. On that occasion, the international "Union of Associations for the League of Nations" was founded.

²⁾ „La Paix par le Droit", for December, 1919, p. 504.

Bureau et que ce projet sera présenté à la prochaine Conférence générale.

IV.

La Société des Nations est invitée à formuler, aussitôt que possible, les principes pouvant garantir aux nationalités comprises dans le territoire de chaque Etat l'égalité civile, la liberté religieuse et le libre usage de leur langue.

V.

Il conviendrait d'admettre, le plus tôt possible, dans la société des Nations, tout Etat désireux d'y adhérer et en mesure de fournir les garanties spécifiées par l'article Ier du Pacte et dans les conditions fixées par cet article.

VI.

Conformément aux vues des Sociétés associées, des mesures devront être prises sans retard pour réaliser la réduction progressive de tous les armements, aux termes de l'article VIII du Pacte de la Société des Nations. Chaque société, en conséquence, devra entreprendre dans son pays une campagne propre à amener ce désarmement et à concilier l'appui de l'opinion publique à toute proposition faite dans ce sens par la Société des Nations.

VII.

La Conférence considère comme souhaitable que tous les Parlements prennent une résolution destinée à inviter les Gouvernements à mandater leurs Délégués à la prochaine réunion de la Société des Nations pour proposer l'examen des mesures pratiques qui, par la voie de la réduction progressive des armements, permettront d'aboutir au désarmement général.

VIII.

La Conférence de Bruxelles confirme la résolution adoptée à l'unanimité par la Conférence de Londres touchant les articles VIII et IX du Pacte de la Société des Nations.

IX.

La Commission propose que ses délibérations ne soient pas considérées comme closes et qu'elles soient reprises à Bruxelles dès que la question de l'adhésion de l'Amérique à la Société des Nations aura été tranchée.

X.

La Conférence estime qu'il importe de souligner que notamment par ses articles XIII et XXI le Pacte de Paris rappelle formellement les Conventions antérieures relatives aux enquêtes internationales, à la conciliation, aux bons offices, à la médiation et à l'arbitrage ; que cette formule vise, en particulier, les conventions de la Haye, toujours en vigueur.

XI.

La Conférence estime utile la création d'un organisme spécial de conciliation en vue des différends visés à l'article XV du Pacte de Paris.

XII.

Les Etats membres de la Société des Nations s'engagent à soumettre à une juridiction arbitrale tous leurs différends susceptibles de règlement juridique qu'ils n'auront pas réussi à résoudre par la voie diplomatique ou la conciliation.

Si l'une des parties conteste le caractère du litige, l'exception sera soumise à la décision souveraine du Conseil de la Société des Nations.

XIII.

La Conférence décide qu'une commission permanente désignée par elle préparera, dans le plus bref délai, dans l'esprit du Pacte de Paris, et en tenant compte des Conventions et des travaux antérieurs, un projet de Convention organique de la Justice entre Nations.

Dans l'organisation de la Cour internationale de Justice, il serait stipulé que la Cour ne devra comprendre qu'un seul juge de chaque nationalité.

Dans l'élection des juges, le principe d'égalité des Etats sera respecté.

L'élection serait faite sur une liste de candidats désignés par les Etats. Chaque Etat aurait le droit de présenter un nombre maximum (à déterminer) de candidats de sa nationalité et, dans le dessein de bien marquer que le juge est au service exclusif de la justice, un nombre plus élevé de candidats d'autres nationalités.

XIV.

La Conférence décide qu'une Commission permanente nommée par elle rédigera, avec l'aide de l'Institut de Droit international et des Associations spéciales, un projet de Code de Droit international que la Fédération des Associations de la Société des Nations étudiera et soumettra aux Gouvernements des Etats associés.

XV.

Que dans les territoires ci-devant sous la domination allemande ou qui ont fait partie de l'Empire Ottoman, les puissances mandataires observeront, dans leur lettre et dans leur esprit, les principes suivants :

1. Il n'y aura en ce qui concerne l'industrie, le commerce, les droits d'importation et d'exportation, aucune différence entre les ressortissants de la puissance mandataire et les ressortissants de tous les autres membres de la Société des Nations.

2. Il n'y aura aucune discrimination fondée sur les seules différences de race dans la jouissance et l'exercice des droits privés et publics, notamment en ce qui concerne l'éducation publique et l'accès à la possession du sol.

3. Dans la formation des conseils pour aider le Gouvernement des pays titulaires d'un mandat international, ou dans une assemblée élective créée dans le même dessein, la puissance mandataire prendra en considération le droit des races indigènes d'être suffisamment représentées, en tenant compte de leur développement progressif.

XVI.

1. La Conférence de Bruxelles salue avec joie le travail accompli, malgré les difficultés inhérentes à un premier effort, par la Conférence Internationale du Travail convoquée à Washington en vertu de l'article XXIII du Traité de Paix.

2. Elle considère que l'organisation permanente du Travail est une œuvre essentielle pour réaliser plus de justice, pour assurer une meilleure éducation du travailleur, pour apaiser les esprits et pour procurer un bien-être nécessaire à tous ceux qui collaborent à la création de la richesse sociale.

3. Respectant les aspirations et les vœux des groupements ouvriers et patronaux qui ont part et responsabilité dans l'organisation permanente du travail (art. 369 du Traité),

Mais également préoccupée des répercussions que les conflits du travail peuvent avoir sur toute la vie des nations et véritablement soucieux, pour le maintien de la paix universelle, de substituer dans le domaine social comme dans tous les autres, un régime de justice et de droit au régime de la force.

La Conférence, considérant qu'il y a un intérêt social incontestable à améliorer d'urgence les rapports entre les employeurs et les employés et à éviter autant que possible les conflits économiques,

Emet le vœu que le Conseil d'administration de l'organisation perma-

nente du Travail inscrive à l'ordre du jour de sa prochaine Conférence internationale, conformément à l'article 400 du Traité de Paix, les méthodes d'organisation mixte des industries, tant au point de vue de la conciliation entre ouvriers et patrons, qu'au point de vue de la participation des ouvriers à la gestion et au contrôle.

XVII.

Considérant qu'il y a lieu de développer la Société des Nations dans le sens d'une organisation générale de rapports internationaux d'une Société à la fois politique, économique et intellectuelle des Nations ;

Que l'article XXIV du Pacte prévoit le rattachement à la Société des divers bureaux internationaux créés déjà avant la guerre ; qu'en vertu de son art. XXIII a seul été créé un organisme pour les intérêts du travail ;

Que l'article XXV fait une situation exceptionnelle à la Ligue internationale des Sociétés de Croix Rouge ;

Que dès lors, en se fondant sur des motifs analogues à ceux qui ont justifié de telles dispositions du Pacte, il importe que des mesures soient prises pour les généraliser et les harmoniser avec les autres besoins de la vie internationale ;

Par ces motifs, la Conférence émet le vœu que la Société des Nations crée immédiatement, sur le modèle de son organisation permanente du travail, trois commissions et bureaux pour l'hygiène, le commerce, l'éducation et les sciences.

XVIII.

Considérant que la Société des Nations ne pourra réaliser complètement son œuvre que sous l'action pressante de l'opinion publique universelle, c'est-à-dire lorsque la coopération des intellectuels et du peuple imposera effectivement à tous les Gouvernements l'abandon des méthodes autoritaires ;

Considérant que, pour atteindre ce but, il importe de former dans tous les pays un esprit public bien décidé à substituer au régime de la force celui du droit organisé ; que la Société des Nations ne peut donc se désintéresser de la formation de cet esprit public ; que dès lors il est dans ses attributions de recommander à toutes les nations dont elle se compose ou se composera l'organisation d'un système d'instruction et d'éducation publique qui favorise le développement des idées de solidarité humaine et de justice sociale, base nécessaire du nouveau statut de l'humanité,

La Conférence émet le vœu :

Que la Société des Nations s'efforce de dégager le minimum d'instruction et d'éducation indispensable à tout être humain pour remplir vala-

blement la fonction de citoyen dans une démocratie ; qu'elle demande en conséquence à chaque nation de rendre ce minimum obligatoire par une législation appropriée ; qu'en particulier, elle propose, dans l'intérêt de l'enfance et en vue d'un meilleur rendement social, d'abord, de prolonger la fréquentation scolaire obligatoire jusqu'à l'âge de 14 ans, adoptée aujourd'hui par la presque-totalité des pays d'Europe et d'Amérique, ensuite d'assurer un minimum d'instruction complémentaire et professionnelle pendant l'adolescence, à prendre sur la journée d'apprentissage ; qu'ainsi, elle fasse un appel constant aux forces morales sans lesquelles il serait impossible de transformer les conditions profondes de la vie sociale de toutes les nations. Elle souhaite que la Société des Nations constitue le plus tôt possible les divers organismes propres à assurer ce résultat, et notamment un service de propagande, et des services d'échange soit d'étudiants, soit d'instituteurs, soit d'ouvriers pouvant contribuer à hâter l'entente mutuelle des nations.

We mention below some pronouncements of other organizations of which, on account of lack of space, we cannot give the full text :

**II. INTERNATIONAL LEAGUE OF NATIONS' CONFERENCE AT BERNE.
MARCH 6TH—13TH, 1919.**

*Manifesto of May 2nd, 1919.*¹⁾

12. LIGUE DES DROITS DE L'HOMME ET DU CITOYEN.

*Letter from the Central Committee of May 23rd, 1919.*²⁾

13. INTERNATIONAL ARBITRATION LEAGUE.

*Resolution adopted by the Council.*³⁾

14. NEDERLANDSCHE VEREENIGING VOOR VOLKENBOND EN VREDE.

*Program.*⁴⁾

¹⁾ "The League of Nations — Der Völkerbund — La Société des Nations" No. 4, p. 159.

²⁾ "Le Pays", June 1st, 1919.

³⁾ "The Arbitrator", for June, 1919, p. 43.

⁴⁾ "Statuten", July 26th, 1919.

15. SCANDINAVIAN PEACE CONFERENCE AT STOCKHOLM ON SEPTEMBER 5TH, 1919.

Resolution. ¹⁾

16. UNION OF DEMOCRATIC CONTROL.

Manifesto of the Executive Committee. ²⁾

17. BRITISH COALITION AND INDEPENDENT LIBERALS.

Memorandum. ³⁾

18. SVENSKA FÖRENING FÖR NATIONERNAS FÖRBUND.

General Principles. ⁴⁾

19. ASSOCIATION DE LA PAIX PAR LE DROIT.

Report submitted to the League of Nations Conference at Brussels on December 1st—3rd, 1919. ⁵⁾¹⁾ "Fredsfanan" for September, 1919, p. 3.²⁾ "Foreign Affairs", for September, 1919, p. 1.³⁾ This Memorandum represents the conclusions reached at a number of informal meetings of Coalition and Independent Liberals, and was circulated to all Liberal members of the British Parliament, in September, 1919, with the object of obtaining their approval and co-operation. See "The Arbitrator", for October, 1919, p. 77.⁴⁾ Skrifte No. 1, October, 1919.⁵⁾ "La Paix par le Droit", for September/October, 1919.

CHAPTER VII.

PREVIOUS SCHEMES FOR A LEAGUE OF NATIONS.¹⁾

AUSTRIA.

Prof. Dr. H. LAMMASCH, *Entwurf eines Staatsvertrags* (Dezember 1918). „Der Völkerbund zur Bewahrung des Friedens“.

BELGIUM.

HENRI LA FONTAINE, *Magnissima Charta. The Great Solution.* (1916).

PAUL OTLET, *Constitution mondiale de la Société des Nations.* (1917).

FRANCE.

Textes adoptés par la Commission française (8 juin 1918). Scelle, “Le Pacte des Nations et sa liaison avec le Traité de Paix” p. 447.

GASTON MOCH, *La Garantie de la Société des Nations*, (septembre 1916).

¹⁾ The following list contains chiefly publications in which a scheme of a League of Nations has been elaborated in articles; cf. Dr. HANS WEHBERG, *Die Pariser Völkerbundakte*, p. 58, and a *Synopsis of plans for International Organization*, by CHARLES H. LEVERMORE (“Advocate of Peace”, for July, 1919).

H. LEPERT, *Projet de Constitution pour la Société des Nations*, (juillet 1917). „Organe de la Ligue pour une Société des Nations.”
 SOCIÉTÉ PROUDHON, *Projet de Constitution internationale*. «Stimmen der Vernunft» vom 11. Januar 1919.

GERMANY.

Vorschläge der Deutschen Regierung für die Errichtung eines Völkerbundes. (1919). Deutsche Liga für Völkerbund, Flugschrift No. 6.

ERZBERGER, *Der Völkerbund, Der Weg zum Weltfrieden*. (September 1918).

DEUTSCHE GESELLSCHAFT FÜR VÖLKERRECHT, *Deutscher Entwurf einer Verfassung des Völkerbundes* (8 Januar 1919). Deutsche Liga für Völkerbund, „Monographien zum Völkerbund”, Heft I.

GREAT-BRITAIN.

FABIAN SOCIETY, *Draft Treaty*. (1915). L. S. WOOLF, “International Government”.

VISCOUNT BRYCE, *Proposals for the Prevention of future Wars*. (1915 and 1917).¹⁾

LEAGUE OF NATIONS SOCIETY, *Scheme of Organisation* by a Sub-commission presided over by the Rt. Hon. Sir W. H. Dickinson. (1918).

The Rt. Hon. Lt.-Gen. J. C. SMUTS, P. C., “The League of Nations, A practical Suggestion”. (1918).

LORD ROBERT CECIL, *Plan for a League of Nations*. Hearings before the Committee on Foreign Relations United States Senate, 1919.²⁾

ITALY.

Il progetto del Governo italiano dello Statuto per la Società delle Nazioni. “I Diritti dei Popoli”, settembre 1919.³⁾

¹⁾ Reprinted in 1917, in the „Recueil de Rapports sur les différents points du Programme-Minimum” Tome IV, published by the “Central Organisation for a Durable Peace”.

²⁾ See p. 87.

³⁾ Published in French translation, in „La Paix des Peuples”, March 25th, 1919. See p. 89.

ANZILOTTI, *Schema di convenzione per costituire una „Società degli Stati” allo scopo di assicurare il mantenimento della pace.*¹⁾

RICCI-BUSATTI—D'AMELIO, *Schema di „atto generale” per la Società delle Nazioni.*

TORRE—TOSTI, *Schema di convenzione per la costituzione della Società delle Nazioni.*

NETHERLANDS.

M. le Dr. B. C. J. LODER, *Avant-projet d'un traité général relatif au règlement pacifique des conflits internationaux* (1917), „Institutions judiciaires et de conciliation” rapport de l'Organisation Centrale pour une Paix Durable.

SCANDINAVIA.

Avant-Projet de convention relative à une organisation juridique internationale, élaboré par les trois comités nommés par les gouvernements de Suède, de Danemark et de Norvège, avec un exposé des motifs, extrait du Rapport du Comité Suédois. (1919).

SWITZERLAND.

COMMISSION CONSULTATIVE DU CONSEIL FÉDÉRAL, novembre 1918-janvier 1919. *Avant-projet d'un Pacte fédéral de la Ligue des Nations* et Rapport concernant le Projet d'un Pacte de Ligue des Nations élaboré par la Commission consultative nommée par le Conseil fédéral. (11 février 1919).

SCHWEIZER KOMITEE FÜR VORBEREITUNG DES VÖLKERBUNDES, *Vorentwurf einer Verfassung des Weltvölkerbundes.* (Februar 1918).

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¹⁾ This and the two following schemes were elaborated by members of the official Italian Commission. They are published together in "Rivista di Diritto Internazionale", 1918.

SOCIÉTÉ GÉNÉVOISE DE LA PAIX, *Charte de la Société des Nations*, (décembre 1918). „Le Mouvement Pacifiste” de septembre/décembre 1918.

UNITED STATES OF AMERICA.

LEAGUE TO ENFORCE PEACE, *Tentative Draft convention for a League of Nations, prepared by a Private Group not a Committee of the League*, (December 1917), “Advocate of Peace” of July, 1918.

Draft Convention for League of Nations, by Group of American Jurists and Publicists. Description and Comment by Theodore Marburg. (1918).¹⁾

American Draft of Covenant for League of Nations. Hearings before the Committee on Foreign Relations United States Senate, 1919.²⁾

PRESIDENT WILSON, *Proposal for a League of Nations*. Hearings before the Committee on Foreign Relations United States Senate, 1919.³⁾

¹⁾ Printed in full, in the “Independent”, January 26th, 1918.

²⁾ See p. 72.

³⁾ See p. 63.

CHAPTER VIII.

BIBLIOGRAPHY.

The following pages make no pretence of being complete. We have confined ourselves to indicating some of the more important publications, especially, as far as these deal with the Paris Covenant.

We recommend :

*a) OFFICIAL AND PARLIAMENTARY DOCUMENTS CONCERNING THE RATIFICATION OF THE PEACE TREATY WITH GERMANY, RESP. THE ADHESION TO THE LEAGUE OF NATIONS, IN THE VARIOUS COUNTRIES.*¹⁾

b) PUBLICATIONS ISSUED BY THE FOLLOWING ORGANIZATIONS.

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION. Sub-station 84, 407 West 117th street, New-York.

ASSOCIATION DE LA PAIX PAR LE DROIT. 18 Rue Barennes, Bordeaux.

ASSOCIATION FRANÇAISE POUR LA SOCIÉTÉ DES NATIONS. 254 Boulevard St. Germain, Paris.

DEUTSCHE LIGA FÜR VÖLKERBUND. 78 Unter den Linden, Berlin.

INTERNATIONAL INTERMEDIARY INSTITUTE. 6 Oranjestraat, The Hague.

LEAGUE TO ENFORCE PEACE. 130 West, 42nd street, New-York.

LEAGUE OF FREE NATIONS ASSOCIATION. 130 West, 42nd street, New-York.

¹⁾ See Chapter IV.

LEAGUE OF NATIONS UNION. ¹⁾ 70 Fifth Avenue, Educational Building, New-York.

LEAGUE OF NATIONS UNION. ²⁾ 22 Buckingham Gate, London. LIGUE DES DROITS DE L'HOMME ET DU CITOYEN. 10 Rue de l'Université, Paris.

LIGUE POUR LA SOCIÉTÉ DES NATIONS. 5 Cité Cardinal Lemoine, Paris.

NEDERLANDSCHE VEREENIGING VOOR VOLKENBOND EN VREDE. 93 Jan van Nassaustraat, The Hague.

NORSKE FÖRENING FOR NASJONENES LIGA. 21 Prinsengate, Christiania.

ORGANISATION CENTRALE POUR UNE PAIX DURABLE. 19 Prinsessegracht, The Hague.

SVENSKA FORENING FOR NATIONERNAS FÖRBUND. Lästmakargatan 6, Stockholm.

VÖLKerbundliga. Burgring 9, Wien 1.

VÖLKerbundliga der Sudetenvölker. Proskowetzstrasse 12, Olmütz, Tcheco-Slovakia.

WORLD PEACE FOUNDATION. 40 Mt. Vernon street, Boston (Mass.).

c. PERIODICALS DEALING WITH THE LEAGUE OF NATIONS. ³⁾

SOCIÉTÉ DES NATIONS, JOURNAL OFFICIEL — LEAGUE OF NATIONS, OFFICIAL JOURNAL (published by the League of Nations' Secretariat).

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THE COVENANT. { League of Nations Union (London).
THE LEAGUE. ⁴⁾ { League of Nations Union (London).

THE LEAGUE BULLETIN. League to Enforce Peace.

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THE LEAGUE OF NATIONS MAGAZINE. League of Nations Union (New-York).

¹⁾ Founded in 1919, by the amalgamation of the WORLD COURT LEAGUE and the NEW-YORK PEACE SOCIETY.

²⁾ Founded in 1919, by the amalgamation of the LEAGUE OF FREE NATIONS ASSOCIATION and the LEAGUE OF NATIONS SOCIETY.

³⁾ The following are periodicals that deal almost exclusively with the League of Nations. As a matter of fact there are many other periodicals, in which from time to time articles on a League of Nations appear. We regret that lack of space does not permit us to give a list of such articles.

⁴⁾ Formerly, "Monthly Report for Members of the League of Nations Society", down till 1919 and then, "The League of Nations Journal and Monthly Report."

MITTEILUNGEN. Deutsche Liga für Völkerbund.

LA SOCIÉTÉ DES NATIONS. Ligue pour la Société des Nations.

LA SOCIÉTÉ DES NATIONS — DER VÖLKerbUND — THE LEAGUE OF NATIONS. Bureau suisse-hollandais «Pax», Bernerhof, Berne.

LA PAIX PAR LE DROIT (Pour la Société des Nations). Association de la Paix par le Droit.

LA PAIX DES PEUPLES. 95 Rue des Petits-Champs, Paris.

VÖLKerbUND. Völkerbundliga der Sudetenvölker.

d. MISCELLANEOUS PUBLICATIONS.¹⁾

A.B.C., *The — of the Paris Covenant for a League of Nations. League to Enforce Peace.*

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¹⁾ Publications containing elaborated schemes for a League of Nations, and thus mentioned in Chapter VII, are omitted here.

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CHAPTER IX.

ENGLISH AND FRENCH TEXTS OF THE COVENANT.¹⁾

PACTE DE LA SOCIÉTÉ DES NATIONS. THE COVENANT OF THE LEAGUE OF NATIONS.

Les Hautes Parties Contractantes,

Considérant que, pour développer la coopération entre les nations et pour leur garantir la paix et la sûreté, il importe

d'accepter certaines obligations de ne pas reconnaître à la guerre,

d'entretenir au grand jour des relations internationales fondées sur la justice et l'honneur,

d'observer rigoureusement les prescriptions du droit international, reconnues désormais comme règle de conduite effective des Gouvernements,

de faire régner la justice et de respecter scrupuleusement toutes les obligations des Traité dans les rapports mutuels des peuples organisés,

Adoptent le présent Pacte qui institue la Société des Nations.

Article 1.

Sont Membres originaires de la Société des Nations, ceux des Signataires dont les noms figurent dans l'annexe au présent Pacte, ainsi que les Etats, également nommés dans l'annexe, qui au-

The High Contracting Parties

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

Article 1.

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall

¹⁾ The following texts are reprinted literally from the official British publication, "The Treaty of Peace between the Allied and Associated Powers and Germany", printed by H. M.'s Stationery Office. 1919.

ront accédé au présent Pacte sans aucune réserve par une déclaration déposée au Secrétariat dans les deux mois de l'entrée en vigueur du Pacte et dont notification sera faite aux autres Membres de la Société.

Tout État, Dominion ou Colonie qui se gouverne librement et qui n'est pas désigné dans l'Annexe, peut devenir Membre de la Société si son admission est prononcée par les deux tiers de l'Assemblée, pourvu qu'il donne des garanties effectives de son intention sincère d'observer ses engagements internationaux et qu'il accepte le règlement établi par la Société en ce qui concerne ses forces et ses armements militaires, navals et aériens.

Tout Membre de la Société peut, après un préavis de deux ans, se retirer de la Société, à la condition d'avoir rempli à ce moment toutes ses obligations internationales y compris celles du présent Pacte.

Article 2.

L'action de la Société, telle qu'elle est définie dans le présent Pacte, s'exerce par une Assemblée et par un Conseil assistés d'un Secrétariat permanent.

Article 3.

L'Assemblée se compose de Représentants des Membres de la Société.

Elle se réunit à des époques fixées et à tout autre moment, si les circonstances le demandent, au siège de la Société ou en tel autre lieu qui pourra être désigné.

L'Assemblée connaît de toute question qui rentrera dans la sphère d'activité de la Société ou qui affecte la paix du monde.

Chaque Membre de la Société ne peut compter plus de trois Représentants dans l'Assemblée et ne dispose que d'une voix.

Article 4.

Le Conseil se compose de Représentants des Principales Puissances alliées et associées, ainsi que de Représentants de quatre autres Membres de la Société. Ces quatre Membres de la Société sont désignés librement par l'Assemblée et aux époques qu'il lui plaît de choisir. Jusqu'à la première désignation par l'Assemblée, les Représentants de la Belgique, du Brésil, de l'Espagne et de la Grèce sont membres du Conseil.

Avec l'approbation de la majorité de l'Assemblée, le Conseil peut désigner d'autres Membres de la Société dont la représentation sera désormais permanente au Conseil. Il peut, avec la même approbation, augmenter le nombre des Membres de la Société qui seront choisis par l'Assemblée pour être représentés au Conseil.

Le Conseil se réunit quand les circonstances le demandent, et au moins une fois par an, au siège de la Société ou en tel autre lieu qui pourra être désigné.

accede without reservation to this Covenant. Such accession shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

Article 2.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

Article 3.

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

Article 4.

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

Le Conseil connaît de toute question rentrant dans la sphère d'activité de la Société ou affectant la paix du monde.

Tout Membre de la Société qui n'est pas représenté au Conseil est invité à y envoyer siéger un Représentant lorsqu'une question qui l'intéresse particulièrement est portée devant le Conseil.

Chaque Membre de la Société représenté au Conseil ne dispose que d'une voix et n'a qu'un Représentant.

Article 5.

Sauf disposition expressément contraire du présent Pacte ou des clauses du présent Traité, les décisions de l'Assemblée ou du Conseil sont prises à l'unanimité des Membres de la Société représentés à la réunion.

Toutes questions de procédure qui se posent aux réunions de l'Assemblée ou du Conseil, y compris la désignation des Commissions chargées d'enquêter sur des points particuliers, sont réglées par l'Assemblée ou par le Conseil et décidées à la majorité des Membres de la Société représentés à la réunion.

La première réunion de l'Assemblée et la première réunion du Conseil auront lieu sur la convocation du Président des Etats-Unis d'Amérique.

Article 6.

Le Secrétariat permanent est établi au siège de la Société. Il comprend un Secrétaire général, ainsi que les secrétaires et le personnel nécessaires.

Le premier Secrétaire général est désigné dans l'annexe. Par la suite, le Secrétaire général sera nommé par le Conseil avec l'approbation de la majorité de l'Assemblée.

Les secrétaires et le personnel du Secrétariat sont nommés par le Secrétaire général avec l'approbation du Conseil.

Le Secrétaire général de la Société est de droit Secrétaire général de l'Assemblée et du Conseil.

Les dépenses du Secrétariat sont supportées par les Membres de la Société dans la proportion établie pour le Bureau international de l'Union postale universelle.

Article 7.

Le siège de la Société est établi à Genève.

Le Conseil peut à tout moment décider de l'établir en tout autre lieu.

Toutes les fonctions de la Société ou des services qui s'y rattachent, y compris le Secrétariat, sont également accessibles aux hommes et aux femmes.

Les Représentants des Membres de la Société et ses agents jouissent dans l'exercice de leurs fonctions des priviléges et immunités diplomatiques.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

Article 5.

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

Article 6.

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article 7.

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

Les bâtiments et terrains occupés par la Société, par ses services ou ses réunions, sont inviolables.

Article 8.

Les Membres de la Société reconnaissent que le maintien de la paix exige la réduction des armements nationaux au minimum compatible avec la sécurité nationale et avec l'exécution des obligations internationales imposée par une action commune.

Le Conseil, tenant compte de la situation géographique, et des conditions spéciales de chaque État, prépare les plans de cette réduction, en vue de l'examen et de la décision des divers Gouvernements.

Ces plans doivent faire l'objet d'un nouvel examen, et s'il y a lieu, d'une révision tous les dix ans au moins.

Après leur adoption par les divers Gouvernements, la limite des armements ainsi fixée ne peut être dépassée sans le consentement du Conseil.

Considérant que la fabrication privée des munitions et du matériel de guerre soulève de graves objections, les Membres de la Société chargent le Conseil d'aviser aux mesures propres à éviter les fâcheux effets, en tenant compte des besoins des Membres de la Société qui ne peuvent pas fabriquer les munitions et le matériel de guerre nécessaires à leur sûreté.

Les Membres de la Société s'engagent à échanger, de la manière la plus franche et la plus complète, tous renseignements relatifs à l'échelle de leurs armements, à leurs programmes militaires, navals et aériens et à la condition de celles de leurs industries susceptibles d'être utilisées pour la guerre.

Article 9.

Une Commission permanente sera formée pour donner au Conseil son avis sur l'exécution des dispositions des articles 1 et 8 et, d'une façon générale, sur les questions militaires, navales et aériennes.

Article 10.

Les Membres de la Société s'engagent à respecter et à maintenir contre toute agression extérieure l'intégrité territoriale et l'indépendance politique présente de tous les Membres de la Société. En cas d'agression, de menace ou de danger d'agression, le Conseil avise aux moyens d'assurer l'exécution de cette obligation.

Article 11.

Il est expressément déclaré que toute guerre ou menace de guerre, qu'elle affecte directement ou non l'un des Membres de la Société, intéresse la Société tout entière et que celle-ci doit prendre les mesures propres à sauvegarder efficacement

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

Article 8.

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

Article 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

Article 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

Article 11.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to

la paix des Nations. En pareil cas, le Secrétaire général convoque immédiatement le Conseil, à la demande de tout Membre de la Société.

Il est, en outre, déclaré que tout Membre de la Société a le droit, à titre amical, d'appeler l'attention de l'Assemblée ou du Conseil sur toute circonstance de nature à affecter les relations internationales et qui menace par suite de troubler la paix ou la bonne entente entre nations, dont la paix dépend.

Article 12.

Tous les Membres de la Société conviennent que, s'il s'élève entre eux un différend susceptible d'entraîner une rupture, ils le soumettront soit à la procédure de l'arbitrage, soit à l'examen du Conseil. Ils conviennent encore qu'en aucun cas ils ne doivent recourir à la guerre avant l'expiration d'un délai de trois mois après la sentence des arbitres ou le rapport du Conseil.

Dans tous les cas prévus par cet article, la sentence des arbitres doit être rendue dans un délai raisonnable et le rapport du Conseil doit être établi dans les six mois à dater du jour où il aura été saisi du différend.

Article 13.

Les Membres de la Société conviennent que s'il s'élève entre eux un différend susceptible, à leur avis, d'une solution arbitrale et si ce différend ne peut se régler de façon satisfaisante par la voie diplomatique, la question sera soumise intégralement à l'arbitrage.

Parmi ceux qui sont généralement susceptibles de solution arbitrale, on déclare tels les différends relatifs à l'interprétation d'un traité, à tout point de droit international, à la réalité de tout fait qui, s'il était établi, constituerait la rupture d'un engagement international, ou à l'étendue ou à la nature de la réparation due pour une telle rupture.

La Cour d'arbitrage à laquelle la cause est soumise est la Cour désignée par les Parties ou prévue dans leurs conventions antérieures.

Les Membres de la Société s'engagent à exécuter de bonne foi les sentences rendues et à ne pas recourir à la guerre contre tout Membre de la Société qui s'y conformera. Faute d'exécution de la sentence, le Conseil propose les mesures qui doivent en assurer l'effet.

Article 14.

Le Conseil est chargé de préparer un projet de Cour permanente de justice internationale et de le soumettre aux Membres de la Société. Cette Cour connaîtra de tous différends d'un caractère

safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article 12.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article 13.

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

Article 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be com-

international que les Parties¹⁾ lui soumettront. Elle donnera aussi des avis consultatifs sur tout différend ou tout point, dont la saisira le Conseil ou l'Assemblée.

Article 15.

S'il s'élève entre les Membres de la Société un différend susceptible d'entraîner une rupture et si ce différend n'est pas soumis à l'arbitrage prévu à l'article 13, les Membres de la Société conviennent de le porter devant le Conseil. A cet effet, il suffit que l'un d'eux avise de ce différend le Secrétaire général, qui prend toutes dispositions en vue d'une enquête et d'un examen complets.

Dans le plus bref délai, les Parties doivent lui communiquer l'exposé de leur cause avec tous faits pertinents et pièces justificatives. Le Conseil peut en ordonner la publication immédiate.

Le Conseil s'efforce d'assurer le règlement du différend. S'il y réussit, il publie, dans la mesure qu'il juge utile, un exposé relatant les faits, les explications qu'ils comportent et les termes de ce règlement.

Si le différend n'a pu se régler, le Conseil rédige et publie un rapport, voté soit à l'unanimité, soit à la majorité des voix, pour faire connaître les circonstances du différend et les solutions qu'il recommande comme les plus équitables et les mieux appropriées à l'espèce.

Tout Membre de la Société représenté au Conseil peut également publier un exposé des faits du différend et ses propres conclusions.

Si le rapport du Conseil est accepté à l'unanimité, le vote des Représentants des Parties ne comptant pas dans le calcul de cette unanimousité, les Membres de la Société s'engagent à ne recourir à la guerre contre aucune Partie qui se conforme aux conclusions du rapport.

Dans le cas où le Conseil ne réussit pas à faire accepter son rapport par tous ses membres autres que les Représentants de toute Partie au différend, les Membres de la Société se réservent le droit d'agir comme ils le jugeront nécessaire pour le maintien du droit et de la justice.

Si l'une des Parties prétend et si le Conseil reconnaît que le différend porte sur une question que le droit international laisse à la compétence exclusive de cette Partie, le Conseil le constatera

petent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Article 15.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that

¹⁾ The capital letter in the word "Parties" might lead to the conclusion that this word here means the "Hautes Parties Contractantes", instead of the "parties en litige". It may be assumed that this capital is a printer's error

dans un rapport, mais sans recommander aucune solution.

Le Conseil peut, dans tous les cas prévus au présent article, porter le différend devant l'Assemblée. L'Assemblée devra de même être saisie du différend à la requête de l'une des Parties; cette requête devra être présentée dans les quatorze jours à dater du moment où le différend est porté devant le Conseil.

Dans toute affaire soumise à l'Assemblée, les dispositions du présent article et de l'article 12 relatives à l'action et aux pouvoirs du Conseil, s'appliquent également à l'action et aux pouvoirs de l'Assemblée. Il est entendu qu'un rapport fait par l'Assemblée avec l'approbation des Représentants des Membres de la Société représentés au Conseil et d'une majorité des autres Membres de la Société, à l'exclusion, dans chaque cas, des Représentants des Parties, a le même effet qu'un rapport du Conseil adopté à l'unanimité de ses membres autres que les Représentants des Parties.

Article 16.

Si un Membre de la Société recourt à la guerre, contrairement aux engagements pris aux articles 12, 13 ou 15, il est *ipso facto* considéré comme ayant commis un acte de guerre contre tous les autres Membres de la Société. Ceux-ci s'engagent à rompre immédiatement avec lui toutes relations commerciales ou financières, à interdire tous rapports entre leurs nationaux et ceux de l'État en rupture de pacte et à faire cesser toutes communications financières, commerciales ou personnelles entre les nationaux de cet État et ceux de tout autre État, Membre ou non de la Société.

En ce cas, le Conseil a le devoir de recommander aux divers Gouvernements intéressés les effectifs militaires, navals ou aériens par lesquels les Membres de la Société contribueront respectivement aux forces armées destinées à faire respecter les engagements de la Société.

Les Membres de la Société conviennent, en outre, de se prêter l'un à l'autre un mutuel appui dans l'application des mesures économiques et financières à prendre en vertu du présent article pour réduire au minimum les pertes et les inconvénients qui peuvent en résulter. Ils se prêtent également un mutuel appui pour résister à toute mesure spéciale dirigée contre l'un d'eux par l'État en rupture de pacte. Ils prennent les dispositions nécessaires pour faciliter le passage à travers leur territoire des forces de tout Membre de la Société qui participe à une action commune pour faire respecter engagements de la Société.

Peut être exclu de la Société tout Membre qui s'est rendu coupable de la violation d'un des engagements résultant du Pacte. L'exclusion est prononcée par le vote de tous les autres Membres de la Société représentés au Conseil.

party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

Article 16.

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

Article 17.

En cas de différend entre deux États, dont un seulement est Membre de la Société ou dont aucun n'en fait partie, l'État ou les États étrangers à la Société sont invités à se soumettre aux obligations qui s'imposent à ses Membres aux fins de règlement du différend, aux conditions estimées justes par le Conseil. Si cette invitation est acceptée, les dispositions des articles 12 à 16 s'appliquent sous réserve des modifications jugées nécessaires par le Conseil.

Dès l'envoi de cette invitation, le Conseil ouvre une enquête sur les circonstances du différend et propose telle mesure qui lui paraît la meilleure et la plus efficace dans le cas particulier.

Si l'État invité, refusant d'accepter les obligations de Membre de la Société aux fins de règlement du différend, recourt à la guerre contre un Membre de la Société, les dispositions de l'article 16 lui sont applicables.

Si les deux Parties invitées refusent d'accepter les obligations de Membre de la Société aux fins de règlement du différend, le Conseil peut prendre toutes mesures et faire toutes propositions de nature à prévenir les hostilités et à amener la solution du conflit.

Article 18.

Tout traité ou engagement international conclu à l'avenir par un Membre de la Société devra être immédiatement enregistré par le Secrétariat et publié par lui aussitôt que possible. Aucun de ces traités ou engagements internationaux ne sera obligatoire avant d'avoir été enregistré.

Article 19.

L'Assemblée peut, de temps à autre, inviter les Membres de la Société à procéder à un nouvel examen des traités devenus inapplicables ainsi que des situations internationales, dont le maintien pourrait mettre en péril la paix du monde.

Article 20.

Les Membres de la Société reconnaissent, chacun en ce qui le concerne, que le présent Pacte abroge toutes obligations ou ententes *inter se* incompatibles avec ses termes et s'engagent solennellement à n'en pas contracter à l'avenir de semblables.

Si avant son entrée dans la Société, un Membre a assumé des obligations incompatibles avec les termes du Pacte, il doit prendre des mesures immédiates pour se dégager de ces obligations.

Article 21.

Les engagements internationaux, tels que les traités d'arbitrage, et les ententes régionales, comme

Article 17.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article 18.

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Article 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

Article 20.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

Article 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements,

la doctrine de Monroe, qui assurent le maintien de la paix, ne sont considérés comme incompatibles avec aucune des dispositions du présent Pacte.

Article 22.

Les principes suivants s'appliquent aux colonies et territoires qui, à la suite de la guerre, ont cessé d'être sous la souveraineté des États qui les gouvernaient précédemment et qui sont habités par des peuples non encore capables de se diriger eux-mêmes dans les conditions particulièrement difficiles du monde moderne. Le bien-être et le développement de ces peuples forment une mission sacrée de civilisation, et il convient d'incorporer dans le présent Pacte des garanties pour l'accomplissement de cette mission.

La meilleure méthode de réaliser pratiquement ce principe est de confier la tutelle de ces peuples aux nations développées qui, en raison de leurs ressources, de leur expérience ou de leur position géographique, sont le mieux à même d'assumer cette responsabilité et qui consentent à l'accepter : elles exerceraient cette tutelle en qualité de Mandataires et au nom de la Société.

Le caractère du mandat doit différer suivant le degré de développement du peuple, la situation géographique du territoire, ses conditions économiques et toutes autres circonstances analogues.

Certaines communautés, qui appartenaient autrefois à l'Empire ottoman, ont atteint un degré de développement tel que leur existence comme nations indépendantes peut être reconnue provisoirement, à la condition que les conseils et l'aide d'un Mandataire guident leur administration jusqu'au moment où elles seront capables de se conduire seules. Les vœux de ces communautés doivent être pris d'abord en considération pour le choix du Mandataire.

Le degré de développement où se trouvent d'autres peuples, spécialement ceux de l'Afrique centrale, exige que le Mandataire y assume l'administration du territoire à des conditions qui, avec la prohibition d'abus, tels que la traite des esclaves, le trafic des armes et celui de l'alcool, garantiront la liberté de conscience et de religion, sans autres limitations que celles que peut imposer le maintien de l'ordre public et des bonnes mœurs, et l'interdiction d'établir des fortifications ou des bases militaires ou navales et de donner aux indigènes une instruction militaire, si ce n'est pour la police ou la défense du territoire et qui assureront également aux autres Membres de la Société des conditions d'égalité pour les échanges et le commerce.

Enfin il y a des territoires, tels que le Sud-Ouest africain et certaines îles du Pacifique austral, qui, par suite de la faible densité de leur population, de leur superficie restreinte, de leur éloignement des centres de civilisation, de leur contiguïté géographique au territoire du Mandataire, ou d'autres circonstances, ne sauraient être mieux administrés que sous les lois du Mandataire, comme une partie intégrante de son territoire, sous réserve

such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Article 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by the Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards

des garanties prévues plus haut dans l'intérêt de la population indigène.

Dans tous les cas le Mandataire doit envoyer au Conseil un rapport annuel concernant les territoires dont il a la charge.

Si le degré d'autorité, de contrôle ou d'administration à exercer par le Mandataire n'a pas fait l'objet d'une convention antérieure entre les Membres de la Société, il sera expressément statué sur ces points par le Conseil.

Une Commission permanente sera chargée de recevoir et d'examiner les rapports annuels des Mandataires et de donner au Conseil son avis sur toutes questions relatives à l'exécution des mandats.

Article 23.

Sous la réserve, et en conformité des dispositions des conventions internationales actuellement existantes ou qui seront ultérieurement conclues, les Membres de la Société :

- a) s'efforceront d'assurer et de maintenir des conditions de travail équitables et humaines pour l'homme, la femme et l'enfant sur leurs propres territoires, ainsi que dans tous pays auxquels s'étendent leurs relations de commerce et d'industrie, et, dans ce but, d'établir et d'entretenir les organisations internationales nécessaires ;
- b) s'engagent à assurer le traitement équitable des populations indigènes dans les territoires soumis à leur administration ;
- c) chargent la Société du contrôle général des accords relatifs à la traite des femmes et des enfants, du trafic de l'opium et autres drogues nuisibles ;
- d) chargent la Société du contrôle général du commerce des armes et des munitions avec les pays où le contrôle de ce commerce est indispensable à l'intérêt commun ;
- e) prennent les dispositions nécessaires pour assurer la garantie et le maintien de la liberté des communications et du transit, ainsi qu'un équitable traitement du commerce de tous les Membres de la Société, étant entendu que les nécessités spéciales des régions dévastées pendant la guerre de 1914-1918 devront être prises en considération ;
- f) s'efforceront de prendre des mesures d'ordre international pour prévenir et combattre les maladies.

Article 24.

Tous les bureaux internationaux antérieurement établis par traités collectifs seront, sous réserve de l'assentiment des parties, placés sous l'autorité de la Société. Tous autres bureaux internationaux et toutes Commissions pour le règlement des affaires d'intérêt international qui seront créés ultérieurement, seront placés sous l'autorité de la Société.

Pour toutes questions d'intérêt international

above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League :

- (a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations ;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control ;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs ;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest ;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914—1918 shall be borne in mind ;
- (f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article 24.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which

régées par des conventions générales, mais non soumises au contrôle de Commissions ou de bureaux internationaux, le Secrétariat de la Société devra, si les Parties le demandent et si le Conseil y consent, réunir et distribuer toutes informations utiles et prêter toute l'assistance nécessaire ou désirable.

Le Conseil peut décider de faire rentrer dans les dépenses du Secrétariat celles de tout bureau ou commission placé sous l'autorité de la Société.

Article 25.

Les Membres de la Société s'engagent à encourager et favoriser l'établissement et la coopération des organisations volontaires nationales de la Croix-Rouge, dûment autorisées, qui ont pour objet l'amélioration de la santé, la défense préventive contre la maladie et l'adoucissement de la souffrance dans le monde.

Article 26.

Les amendements au présent Pacte entreront en vigueur dès leur ratification par les Membres de la Société, dont les Représentants composent le Conseil, et par la majorité de ceux dont les Représentants forment l'Assemblée.

Tout Membre de la Société est libre de ne pas accepter les amendements apportés au Pacte, auquel cas il cesse de faire partie de la Société.

ANNEXE.

I. MEMBRES ORIGINAIRES DE LA SOCIÉTÉ DES NATIONS SIGNATAIRES DU TRAITÉ DE PAIX.

États-Unis d'Amérique.	Hedjaz.
Belgique.	Honduras.
Bolivie.	Italie.
Brésil.	Japon.
Empire Britannique.	Libéria.
Canada.	Nicaragua.
Australie.	Panama.
Afrique du Sud.	Pérou.
Nouvelle-Zélande.	Pologne.
Inde.	Portugal.
Chine.	Roumanie.
Cuba.	État Serbe-
Équateur.	Croate-Slovène.
France.	Siam.
Grèce.	Tchéco-Slovague.
Guatémala.	Uruguay.
Haïti.	

are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

Article 26.

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

ANNEX.

I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE.

United States of America.	Hedjaz.
Belgium.	Honduras.
Bolivia.	Italy.
Brazil.	Japan.
British Empire.	Liberia.
Canada.	Nicaragua.
Australia.	Panama.
South Africa.	Peru.
New Zealand.	Poland.
India.	Portugal.
China.	Roumania.
Cuba.	Serb-Croat.
Ecuador.	Slovene State.
France.	Siam.
Greece.	Czecho-Slovakia.
Guatemala.	Uruguay.
Haiti.	

ÉTATS INVITÉS À ACCÉDER AU PACTE.

STATES INVITED TO ACCEDE TO THE COVENANT.

Argentine.	Pays-Bas.
Chili.	Perse.
Colombie.	Salvador.
Danemark.	Suède.
Espagne.	Suisse.
Norvège.	Vénézuéla.
Paraguay.	

Argentine Republic.	Persia.
Chili.	Salvador.
Colombia.	Spain.
Denmark.	Sweden.
Netherlands.	Switzerland.
Norway.	Venezuela.
Paraguay.	

II. PREMIER SECRÉTAIRE GÉNÉRAL DE LA SOCIÉTÉ DES NATIONS.

II. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

L'Honorable Sir James Eric DRUMMOND,
K. C. M. G., C. B.

The Honourable Sir James Eric DRUMMOND,
K. C. M. G., C. B.

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